FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1953 crop of soybeans. The 1953 C. C. C. Grain Price Support Bulletin 1 (18 F. R. 1960) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1953, is supplemented as follows:

Sec.
601.276 Purpose.
601.277 Availability of price support.
601.278 Eligible soybeans.
601.279 Warehouse receipts.
601.280 Determination of quantity.
601.281 Determination of quality.
601.282 Maturity of loans.
601.283 Support rates.
601.284 Warehouse charges.
601.285 Settlement.

AUTHORITY: §§ 601.276 to 601.285 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421.

§ 601.276 *Purpose.* This subpart states additional specific regulations which together with the general regulations contained in the 1953 C. C. C. Grain Price Support Bulletin 1 (18 F. R. 1960) apply to loans and purchase agreements under the 1953-Crop Soybean Price Support Program.

§ 601.277 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever soybeans are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State Committee determines that soybeans cannot be safely stored on the farms.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1954, and the applicable documents must be signed by the producer and delivered to the county committee not later than such final date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing soybeans in 1953 as landowner, landlord, tenant or sharecropper.

§ 601.278 *Eligible soybeans.* At the time the soybeans are placed under loan or delivered under a purchase agreement, they must meet the following requirements:

(a) The soybeans must have been produced in the continental United States in 1953 by an eligible producer.

(b) The beneficial interest in the soybeans must be in the producer tendering the soybeans for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the soybeans were harvested.

(c) The soybeans must be soybeans of any class, grading No. 4 or better and containing not in excess of 14 percent moisture.

(d) The soybeans must not grade Garlicky or Weevily.

(e) If offered as security for a farm-storage loan, the soybeans must have been stored in the granary at least 30 days prior to inspection, measurement, sampling, and sealing unless otherwise approved by the PMA State committee.

§ 601.279 *Warehouse receipts.* Warehouse receipts representing soybeans in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be

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FEDERAL REGISTER

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properly endorsed in blank so as to vest title in the holder; and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the soybeans are insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s) when such factor(s) and not test weight or moisture, determine the grade. For soybeans grading No. 3 or 4, the percentage of splits, damage, and foreign material, if any, must also be shown. In the case of warehouse receipts issued for soybeans delivered by rail or barge, the grading factors on the warehouse receipt or the warehouseman's supplemental certificate must agree with the inbound inspection certificate for the car or barge, if such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade and class of soybeans.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.284.

§ 601.280 *Determination of quantity.* (a) The quantity of soybeans placed under farm-storage loan may be determined either by weight or by measurement. The quantity of soybeans placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of soybeans free of foreign material in excess of 3 percent. In determining the quantity of sacked soybeans by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of soybeans is determined by measurement, a bushel shall be 1.25 cubic feet of soybeans testing 60 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60-pound soybeans.

For soybeans testing:	Percent
60 pounds or over	100
59 pounds or over, but less than 60	98
58 pounds or over, but less than 59	97
57 pounds or over, but less than 58	95
56 pounds or over, but less than 57	93
55 pounds or over, but less than 56	92
54 pounds or over, but less than 55	90
53 pounds or over, but less than 54	88
52 pounds or over, but less than 53	87
51 pounds or over, but less than 52	85
50 pounds or over, but less than 51	83
49 pounds or over, but less than 50	82

§ 601.281 *Determination of quality.* The class, grade, grading factors, percentage of foreign material, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Soybeans, whether or not such determinations are made on the basis of an official inspection. Foreign material which totals 3 percent or less shall not be deducted from the gross weight of the soybeans. If the total weight of foreign material is in excess of 3 percent, the excess shall be deducted from the total weight of soybeans in the determination of the net number of bushels of soybeans. For the purposes of this determination, foreign material shall be computed in tenths of 1 percent.

§ 601.282 *Maturity of loans.* Loans mature on demand but not later than May 31, 1954.

§ 601.283 *Support rates—(a) County rates.* (1) Loans will be made and soybeans delivered under purchase agreements will be purchased at the support rates set forth in this section, subject to adjustment as hereinafter provided in this section and §§ 601.284 and 601.285. Both farm-storage and warehouse-storage loans will be based on the support rate established for the county in which the soybeans are stored. County support rates per bushel for soybeans of the classes Green Soybeans and Yellow Soybeans grading No. 2, or better, and containing from 13.8 to 14.0 percent moisture, are set forth below:

ALABAMA

County	Rate per bushel
All counties	$2.50

ARKANSAS

County	Rate per bushel
All counties	$2.54

DELAWARE

County	Rate per bushel
All counties	$2.50

FLORIDA

County	Rate per bushel
All counties	$2.50

GEORGIA

County	Rate per bushel
All counties	$2.50

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$2.59	Jasper	$2.59
Alexander	2.55	Jefferson	2.57
Bond	2.58	Jersey	2.58
Boone	2.60	Jo Daviess	2.59
Brown	2.59	Johnson	2.55
Bureau	2.59	Kane	2.61
Calhoun	2.58	Kankakee	2.61
Carroll	2.59	Kendall	2.63
Cass	2.59	Knox	2.59
Champaign	2.60	Lake	2.62
Christian	2.60	La Salle	2.61
Clark	2.58	Lawrence	2.57
Clay	2.58	Lee	2.59
Clinton	2.58	Livingston	2.60
Coles	2.59	Logan	2.60
Cook	2.62	McDonough	2.59
Crawford	2.58	McHenry	2.61
Cumberland	2.59	McLean	2.60
De Kalb	2.61	Macon	2.60
De Witt	2.60	Macoupin	2.59
Douglas	2.60	Madison	2.58
Du Page	2.62	Marion	2.58
Edgar	2.59	Marshall	2.59
Edwards	2.57	Mason	2.59
Effingham	2.59	Massac	2.56
Fayette	2.59	Menard	2.59
Ford	2.60	Mercer	2.59
Franklin	2.56	Monroe	2.56
Fulton	2.59	Montgomery	2.59
Gallatin	2.56	Morgan	2.59
Greene	2.59	Moultrie	2.60
Grundy	2.61	Ogle	2.59
Hamilton	2.57	Peoria	2.59
Hancock	2.59	Perry	2.56
Hardin	2.56	Piatt	2.60
Henderson	2.59	Pike	2.59
Henry	2.59	Pope	2.56
Iroquois	2.60	Pulaski	2.55
Jackson	2.56	Putnam	2.59
Randolph	$2.58	Union	$2.55
Richland	2.53	Vermilion	2.60
Rock Island	2.59	Wabash	2.57
St. Clair	2.57	Warren	2.59
Saline	2.56	Washington	2.57
Sangamon	2.60	Wayne	2.57
Schuyler	2.59	White	2.56
Scott	2.59	Whiteside	2.59
Shelby	2.60	Will	2.62
Stark	2.59	Williamson	2.56
Stephenson	2.59	Winnebago	2.59
Tazewell	2.59	Woodford	2.59

ILLINOIS—Continued

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$2.55	Lawrence	$2.55
Allen	2.56	Madison	2.54
Bartholomew	2.54	Marion	2.55
Benton	2.59	Marshall	2.56
Blackford	2.54	Martin	2.55
Boone	2.56	Miami	2.54
Brown	2.54	Monroe	2.55
Carroll	2.56	Montgomery	2.57
Cass	2.55	Morgan	2.55
Clark	2.53	Newton	2.59
Clay	2.56	Noble	2.56
Clinton	2.56	Ohio	2.53
Crawford	2.53	Orange	2.54
Daviess	2.55	Owen	2.55
Dearborn	2.53	Parke	2.57
Decatur	2.54	Perry	2.53
De Kalb	2.56	Pike	2.55
Delaware	2.54	Porter	2.59
Dubois	2.54	Posey	2.55
Elkhart	2.55	Pulaski	2.57
Fayette	2.54	Putnam	2.56
Floyd	2.53	Randolph	2.54
Fountain	2.58	Ripley	2.53
Franklin	2.54	Rush	2.54
Fulton	2.55	St. Joseph	2.56
Gibson	2.56	Scott	2.53
Grant	2.54	Shelby	2.54
Greene	2.56	Spencer	2.53
Hamilton	2.55	Starke	2.57
Hancock	2.54	Steuben	2.56
Harrison	2.53	Sullivan	2.57
Hendricks	2.55	Switzerland	2.53
Henry	2.54	Tippecanoe	2.57
Howard	2.55	Tipton	2.55
Huntington	2.55	Union	2.54
Jackson	2.54	Vanderburgh	2.55
Jasper	2.53	Vermillion	2.53
Jay	2.54	Vigo	2.57
Jefferson	2.53	Wabash	2.54
Jennings	2.53	Warren	2.53
Johnson	2.54	Warrick	2.54
Knox	2.53	Washington	2.53
Kosciusko	2.55	Wayne	2.54
Lagrange	2.56	Wells	2.55
Lake	2.60	White	2.57
La Porte	2.57	Whitley	2.56

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$2.57	Decatur	$2.57
Adams	2.57	Delaware	2.59
Allamakee	2.53	Des Moines	2.58
Appanoose	2.57	Dickinson	2.56
Audubon	2.57	Dubuque	2.59
Benton	2.59	Emmet	2.56
Black Hawk	2.59	Fayette	2.53
Boone	2.59	Floyd	2.57
Bremer	2.58	Franklin	2.53
Buchanan	2.59	Fremont	2.56
Buena Vista	2.57	Greene	2.57
Butler	2.53	Grundy	2.59
Calhoun	2.57	Guthrie	2.57
Carroll	2.57	Hamilton	2.53
Cass	2.57	Hancock	2.57
Cedar	2.59	Hardin	2.59
Cerro Gordo	2.57	Harrison	2.56
Cherokee	2.56	Henry	2.53
Chickasaw	2.57	Howard	2.57
Clarke	2.57	Humboldt	2.57
Clay	2.57	Ida	2.56
Clayton	2.58	Iowa	2.59
Clinton	2.59	Jackson	2.59
Crawford	2.57	Jasper	2.59
Dallas	2.53	Jefferson	2.53
Davis	2.53	Johnson	2.59

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Jones	$2.59	Polk	$2.58
Keokuk	2.58	Pottawatamie	2.56
Kossuth	2.57	Poweshiek	2.59
Lee	2.58	Ringgold	2.57
Linn	2.59	Sac	2.57
Louisa	2.58	Scott	2.59
Lucas	2.57	Shelby	2.57
Lyon	2.56	Sioux	2.56
Madison	2.57	Story	2.59
Mahaska	2.58	Tama	2.59
Marion	2.58	Taylor	2.56
Marshall	2.59	Union	2.57
Mills	2.56	Van Buren	2.58
Mitchell	2.57	Wapello	2.58
Monona	2.56	Warren	2.58
Monroe	2.57	Washington	2.58
Montgomery	2.57	Wayne	2.57
Muscatine	2.59	Webster	2.58
O'Brien	2.56	Winnebago	2.57
Osceola	2.56	Winneshiek	2.57
Page	2.56	Woodbury	2.56
Palo Alto	2.57	Worth	2.57
Plymouth	2.56	Wright	2.58
Pocahontas	2.57		

KANSAS

Allen	$2.55	Lyon	$2.54
Anderson	2.56	McPherson	2.52
Atchison	2.56	Marion	2.53
Barber	2.50	Marshall	2.54
Barton	2.50	Miami	2.56
Bourbon	2.55	Mitchell	2.52
Brown	2.55	Montgomery	2.52
Butler	2.53	Morris	2.54
Chase	2.53	Nemaha	2.55
Chautauqua	2.52	Neosho	2.54
Cherokee	2.54	Osage	2.55
Clay	2.54	Osborne	2.51
Cloud	2.53	Ottawa	2.53
Coffey	2.55	Phillips	2.50
Cowley	2.52	Pottawatomie	2.54
Crawford	2.54	Pratt	2.50
Dickinson	2.53	Reno	2.51
Doniphan	2.56	Republic	2.53
Douglas	2.56	Rice	2.51
Elk	2.53	Riley	2.54
Ellsworth	2.51	Rooks	2.50
Franklin	2.56	Russell	2.51
Geary	2.54	Saline	2.52
Greenwood	2.54	Sedgwick	2.52
Harper	2.51	Shawnee	2.56
Harvey	2.52	Smith	2.51
Jackson	2.55	Stafford	1.50
Jefferson	2.56	Sumner	2.51
Jewell	2.52	Wabaunsee	2.55
Johnson	2.56	Washington	2.54
Kingman	2.51	Wilson	2.53
Labette	2.53	Woodson	2.54
Leavenworth	2.56	Wyandotte	2.56
Lincoln	2.52	All other counties	2.50
Linn	2.56		

KENTUCKY

All counties $2.54

LOUISIANA

All counties $2.54

MARYLAND

All counties $2.50

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$2.52	Huron	$2.50
Arenac	2.50	Ingham	2.54
Barry	2.52	Ionia	2.52
Bay	2.50	Isabella	2.50
Berrien	2.55	Jackson	2.55
Branch	2.55	Kalamazoo	2.53
Calhoun	2.54	Kent	2.51
Cass	2.54	Lapeer	2.52
Clare	2.50	Lenawee	2.56
Clinton	2.52	Livingston	2.54
Eaton	2.53	Macomb	2.54
Genesee	2.52	Mecosta	2.50
Gladwin	2.50	Midland	2.50
Gratiot	2.51	Monroe	2.56
Hillsdale	2.56	Montcalm	2.51

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Muskegon	$2.50	St. Joseph	$2.54
Newaygo	2.50	Sanilac	2.51
Oakland	2.54	Shiawassee	2.52
Oceana	2.50	Tuscola	2.51
Ottawa	2.51	Van Buren	2.53
Saginaw	2.51	Washtenaw	2.55
St. Clair	2.53	Wayne	2.55

MINNESOTA

Aitkin	$2.50	Mille Lacs	$2.51
Anoka	2.54	Morrison	2.51
Becker	2.49	Mower	2.57
Benton	2.53	Murray	2.55
Big Stone	2.52	Nicollet	2.55
Blue Earth	2.56	Nobles	2.55
Brown	2.55	Norman	2.49
Carver	2.55	Olmsted	2.56
Chippewa	2.53	Otter Tail	2.50
Chisago	2.54	Pine	2.52
Clay	2.49	Pipestone	2.54
Cottonwood	2.55	Polk	2.49
Crow Wing	2.50	Pope	2.52
Dakota	2.56	Ramsey	2.55
Dodge	2.56	Redwood	2.54
Douglas	2.51	Renville	2.54
Faribault	2.57	Rice	2.56
Fillmore	2.57	Rock	2.55
Freeborn	2.57	Scott	2.56
Goodhue	2.56	Sherburne	2.53
Grant	2.51	Sibley	2.55
Hennepin	2.56	Stearns	2.52
Houston	2.57	Steele	2.56
Hubbard	2.49	Stevens	2.52
Isanti	2.53	Swift	2.53
Jackson	2.55	Todd	2.50
Kanabec	2.52	Traverse	2.51
Kandiyohi	2.53	Wabasha	2.56
Kittson	2.49	Wadena	2.50
Lac qui Parle	2.53	Waseca	2.56
Le Sueur	2.56	Washington	2.55
Lincoln	2.54	Watonwan	2.56
Lyon	2.54	Wilkin	2.50
McLeod	2.55	Winona	2.56
Mahnomen	2.49	Wright	2.54
Martin	2.56	Yellow Medicine	2.53
Marshall	2.49		
Meeker	2.53		

MISSISSIPPI

All counties $2.54

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.57	Douglas	$2.54
Andrew	2.57	Dunklin	2.55
Atchison	2.56	Franklin	2.56
Audrain	2.58	Gasconade	2.56
Barry	2.54	Gentry	2.56
Barton	2.54	Greene	2.54
Bates	2.56	Grundy	2.56
Benton	2.56	Harrison	2.56
Bollinger	2.54	Henry	2.56
Boone	2.57	Hickory	2.55
Buchanan	2.57	Holt	2.57
Butler	2.55	Howard	2.57
Caldwell	2.57	Howell	2.54
Callaway	2.57	Iron	2.54
Camden	2.55	Jackson	2.57
Cape Girardeau	2.55	Jasper	2.54
Carroll	2.57	Jefferson	2.56
Carter	2.54	Johnson	2.57
Cass	2.56	Knox	2.58
Cedar	2.54	Laclede	2.55
Chariton	2.57	Lafayette	2.57
Christian	2.54	Lawrence	2.54
Clark	2.58	Lewis	2.58
Clay	2.57	Lincoln	2.57
Clinton	2.57	Linn	2.56
Cole	2.56	Livingston	2.57
Cooper	2.57	McDonald	2.54
Crawford	2.55	Macon	2.57
Dade	2.54	Madison	2.54
Dallas	2.55	Maries	2.55
Daviess	2.56	Marion	2.58
De Kalb	2.57	Mercer	2.56
Dent	2.54	Miller	2.55
		Mississippi	2.55

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Moniteau	$2.56	St. Charles	$2.57
Monroe	2.58	St. Clair	2.55
Montgomery	2.57	St. Francois	2.55
Morgan	2.56	St. Louis	2.57
New Madrid	2.55	St. Genovieve	2.55
Newton	2.54	Saline	2.57
Nodaway	2.56	Schuyler	2.57
Oregon	2.54	Scotland	2.58
Osage	2.56	Scott	2.55
Ozark	2.54	Shannon	2.54
Pemiscot	2.55	Shelby	2.58
Perry	2.55	Stoddard	2.55
Pettis	2.57	Stone	2.54
Phelps	2.55	Sullivan	2.56
Pike	2.58	Taney	2.54
Platte	2.57	Texas	2.54
Polk	2.55	Vernon	2.55
Pulaski	2.55	Warren	2.57
Putnam	2.56	Washington	2.55
Ralls	2.58	Wayne	2.54
Randolph	2.57	Webster	2.54
Ray	2.57	Worth	2.56
Reynolds	2.54	Wright	2.54
Ripley	2.54		

NEBRASKA

Adams	$2.51	Johnson	$2.55
Antelope	2.52	Kearney	2.50
Boone	2.52	Knox	2.52
Box Butte	2.50	Lancaster	2.55
Boyd	2.51	Madison	2.52
Brown	2.50	Merrick	2.52
Buffalo	2.50	Nance	2.52
Burt	2.55	Nemaha	2.55
Butler	2.54	Nukolls	2.52
Cass	2.55	Otoe	2.55
Cedar	2.53	Pawnee	2.55
Clay	2.52	Phelps	2.50
Colfax	2.54	Pierce	2.52
Cuming	2.54	Platte	2.53
Custer	2.50	Polk	2.53
Dakota	2.54	Richardson	2.55
Dawson	2.50	Saline	2.54
Dixon	2.54	Sarpy	2.55
Dodge	2.55	Saunders	2.55
Douglas	2.55	Scotts Bluff	2.50
Fillmore	2.53	Seward	2.54
Franklin	2.50	Sherman	2.50
Furnas	2.50	Stanton	2.53
Gage	2.54	Thayer	2.53
Gosper	2.50	Thurston	2.54
Hall	2.51	Valley	2.50
Hamilton	2.52	Washington	2.55
Harlan	2.50	Wayne	2.53
Howard	2.50	Webster	2.51
Jefferson	2.54	York	2.53

NEW JERSEY

All counties $2.52

NEW YORK

All counties $2.51

NORTH CAROLINA

All counties $2.50

NORTH DAKOTA

Barnes	$2.47	Richland	$2.49
Cass	2.49	Sargent	2.48
Grand Forks	2.48	Steele	2.48
Griggs	2.47	Traill	2.49
Nelson	2.47	Walsh	2.47
Ransom	2.48		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$2.53	Clermont	$2.53
Allen	2.56	Clinton	2.53
Ashland	2.55	Columbiana	2.55
Ashtabula	2.56	Coshocton	2.55
Athens	2.54	Crawford	2.56
Auglaize	2.55	Cuyahoga	2.56
Belmont	2.54	Darke	2.54
Brown	2.53	Defiance	2.57
Butler	2.53	Delaware	2.55
Carroll	2.55	Erie	2.57
Champaign	2.54	Fairfield	2.55
Clark	2.53	Fayette	2.53

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Franklin	$2.55	Montgomery	$2.53
Fulton	2.57	Morgan	2.54
Gallia	2.53	Morrow	2.56
Geauga	2.56	Muskingum	2.55
Greene	2.53	Noble	2.54
Guernsey	2.55	Ottawa	2.57
Hamilton	2.53	Paulding	2.57
Hancock	2.56	Perry	2.55
Hardin	2.55	Pickaway	2.54
Harrison	2.55	Pike	2.53
Henry	2.57	Portage	2.56
Highland	2.53	Preble	2.53
Hocking	2.54	Putnam	2.57
Holmes	2.55	Richland	2.56
Huron	2.56	Ross	2.53
Jackson	2.53	Sandusky	2.57
Jefferson	2.55	Scioto	2.53
Knox	2.55	Seneca	2.57
Lake	2.56	Shelby	2.55
Lawrence	2.53	Stark	2.55
Licking	$2.55	Summit	2.56
Logan	2.55	Trumbull	2.56
Lorain	2.56	Tuscarawas	2.55
Lucas	2.57	Union	2.55
Madison	2.54	Van Wert	2.56
Mahoning	2.55	Vinton	2.54
Marion	2.56	Warren	2.53
Medina	2.56	Washington	2.53
Meigs	2.53	Wayne	2.55
Mercer	2.55	Williams	2.57
Miami	2.54	Wood	2.57
Monroe	2.53	Wyandot	2.56

OKLAHOMA

All counties $2.50

PENNSYLVANIA

All counties $2.51

SOUTH CAROLINA

All counties $2.50

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Bon Homme	$2.52	Lake	$2.52
Brookings	2.52	Lincoln	2.54
Clark	2.49	McCook	2.52
Clay	2.53	Marshall	2.49
Codington	2.50	Miner	2.51
Day	2.49	Minnehaha	2.53
Deuel	2.51	Moody	2.52
Grant	2.51	Roberts	2.50
Hamlin	2.50	Turner	2.53
Hanson	2.51	Union	2.54
Hutchinson	2.52	Yankton	2.53
Kingsbury	2.51		

TENNESSEE

All counties $2.54

TEXAS

All counties $2.50

VIRGINIA

All counties $2.50

WEST VIRGINIA

All counties $2.50

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$2.56	Fond du Lac	$2.57
Barron	2.54	Grant	2.58
Brown	2.55	Green	2.58
Buffalo	2.56	Green Lake	2.56
Burnett	2.53	Iowa	2.58
Calumet	2.56	Jackson	2.55
Chippewa	2.54	Jefferson	2.59
Clark	2.54	Juneau	2.56
Columbia	2.57	Kenosha	2.60
Crawford	2.58	Kewaunee	2.53
Dane	2.58	La Crosse	2.56
Dodge	2.58	Lafayette	2.58
Door	2.53	Langlade	2.53
Douglas	2.53	Lincoln	2.53
Dunn	2.55	Manitowoc	2.56
Eau Claire	2.55	Marathon	2.54

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Marinette	$2.53	St. Croix	$2.55
Marquette	2.56	Sauk	2.57
Milwaukee	2.59	Sawyer	2.53
Monroe	2.56	Shawano	2.54
Oconto	2.54	Sheboygan	2.57
Oneida	2.53	Taylor	2.53
Outagamie	2.55	Trempealeau	2.56
Ozaukee	2.58	Vernon	2.57
Pepin	2.56	Walworth	2.60
Pierce	2.56	Washburn	2.53
Polk	2.54	Washington	2.58
Portage	2.55	Waukesha	2.59
Price	2.53	Waupaca	2.55
Racine	2.60	Waushara	2.56
Richland	2.57	Winnebago	2.56
Rock	2.59	Wood	2.55
Rusk	2.53		

(2) Where the State Committee determines that State or district weed control laws affect the soybean crop, the support rate will be 10 cents per bushel below the applicable county support rate as set forth in the schedule in subparagraph (1) of this paragraph. If upon delivery of the soybeans to CCC, the producer supplies a certificate indicating that the soybeans comply with the weed control laws, the producer will be credited with the amount of the differential in determining this settlement value.

(b) *Discounts and premiums.* The county support rates set forth in paragraph (a) of this section shall be adjusted by the following cumulative discounts and premiums to determine the support rates for soybeans of other classes and other eligible qualities:

(1) *Classification discount.* The support rates for soybeans of the classes Black Soybeans, Brown Soybeans, and Mixed Soybeans shall be 25 cents per bushel less than the support rates for the classes Green Soybeans and Yellow Soybeans.

(2) *Discounts for test weight per bushel, splits, and damaged kernels.* The following discounts are applicable to all classes of soybeans:

Test weight per bushel	Discount	Splits	Discount	Damaged kernels	Discount
Pounds [1]	Cents per bushel	Percent [1]	Cents per bushel	Percent [1]	Cents per bushel
53.0-53.9	½	20.1-25.0	½	3.1-4.0	½
52.0-52.9	1	25.1-30.0	1	4.1-5.0	1
51.0-51.9	1½	30.1-35.0	1½	5.1-6.0	1½
50.0-50.9	2	35.1-40.0	2	6.1-7.0	2
49.0-49.9	2½			7.1-8.0	2½

[1] The figures in these columns are inclusive.

(3) *Premiums for low moisture content.* The following premiums are applicable to all classes of soybeans.

Moisture (percent):	Premium (cents per bushel)
11.2 or less	6
11.3-11.7, inclusive	5
11.8-12.2, inclusive	4
12.3-12.7, inclusive	3
12.8-13.2, inclusive	2
13.3-13.7, inclusive	1
13.8-14.0, inclusive	0

(c) *Service charges.* The service charges provided for in § 601.9, CCC Grain Price Support Bulletin 1, will be paid by the producer or deducted from the amount of the loan or purchase price.

§ 601.284 *Warehouse charges.* (a) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the soybeans are deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing soybeans stored in warehouses operating under the Uniform Grain Storage Agreement is on or before May 31, 1954, the storage charges per bushel specified in the following table shall be deducted in computing the amount of the loan or the purchase price.

Amount of deduction (cents per bushel)	Area I [1] Date of deposit (all dates inclusive)	Area II [2] Date of deposit (all dates inclusive)	Area III [3] Date of deposit (all dates inclusive)	Area IV [4] Date of deposit (all dates inclusive)
15				Prior to June 11, 1953.
14	Prior to May 22, 1953	Prior to June 11, 1953	Prior to June 26, 1953	June 11-July 10.
13	May 22-June 20	June 11-July 10	June 26-July 25	July 11-Aug. 9.
12	June 21-July 20	July 11-Aug. 9	July 26-Aug. 24	Aug. 10-Sept. 8.
11	July 21-Aug. 19	Aug. 10-Sept. 8	Aug. 25-Sept. 23	Sept. 9-Oct. 8.
10	Aug. 20-Sept. 18	Sept. 9-Oct. 8	Sept. 24-Oct. 23	Oct. 9-Nov. 7.
9	Sept. 19-Oct. 18	Oct. 9-Nov. 7	Oct. 24-Nov. 22	Nov. 8-Dec. 2.
8	Oct. 19-Nov. 17	Nov. 8-Dec. 7	Nov. 23-Dec. 22	Dec. 3-Dec. 22.
7	Nov. 18-Dec. 17	Dec. 8, 1953-Jan. 6, 1954.	Dec. 23, 1953-Jan. 11, 1954.	Dec. 23, 1953-Jan. 11, 1954.
6	Dec. 18, 1953-Jan. 16, 1954.	Jan. 7-Jan. 31	Jan. 12-Jan. 31	Jan. 12-Jan. 31.
5	Jan. 17-Feb. 15	Feb. 1-Feb. 20	Feb. 1-Feb. 20	Feb. 1-Feb. 20.
4	Feb. 16-Mar. 12	Feb. 21-Mar. 12	Feb. 21-Mar. 12	Feb. 21-Mar. 12.
3	Mar. 13—Apr. 1	Mar. 13-Apr. 1	Mar. 13-Apr. 1	Mar. 13-Apr. 1
2	Apr. 2-Apr. 21	Apr. 2-Apr. 21	Apr. 2-Apr. 21	Apr. 2-Apr. 21.
1	Apr. 22-May 11	Apr. 22-May 11	Apr. 22-May 11	Apr. 22-May 11.
0	May 12-May 31	May 12-May 31	May 12-May 31	May 12-May 31.

[1] Area I includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.
[2] Area II includes: Minnesota, Montana, North Dakota, South Dakota, also Superior, Wisconsin.
[3] Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin except Superior.
[4] Area IV includes all States not listed in Area I, II, and III above.

(b) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission.

For soybeans stored in approved warehouses operated by Eastern common carriers, there shall be deducted in computing the loan or purchase price, except

as provided in paragraph (c) (2) of § 601.285, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through May 31, 1954. The county committee shall request the PMA commodity office to determine the amount of such charges. Where the producer presents evidence showing that the elevation has been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charge prepaid by the producer.

§ 601.285 *Settlement*—(a) *Farm-storage loans.* (1) In the case of eligible soybeans delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate for the approved point of delivery. The support rate shall be based on the grade and quality of the total quantity of soybeans delivered which is eligible for delivery.

(2) If the soybeans under farm-storage loan are, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the soybeans placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the soybeans delivered, as determined by CCC.

(3) If farm-stored soybeans are delivered to CCC prior to May 31, 1954, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced by the applicable rate of storage charges per bushel as set forth in § 601.284.

(b) *Warehouse-storage loans.* (1) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse loan is not redeemed and the warehouse receipt or the accompanying supplemental certificate contains a statement in substantially the following form "Full storage charges, not including receiving charges, paid through May 31, 1954, $_____," a refund in the amount of the smaller of (i) the storage charges prepaid by the producer, or (ii) the amount of the storage charges deducted at the time the loan was completed, will be made to the producer by the PMA county office.

(2) For soybeans stored in approved warehouses operated by Eastern common carriers, if the warehouse loan is not redeemed and the supplemental certificate and delivery order contains a statement in substantially the following form "Full storage charges paid through May 31, 1954, $_____," a refund will be made to the producer by the PMA county office of the amount of storage deducted at the time the loan was completed plus any elevation charge which was prepaid by the producer.

(c) *Purchase agreement.* (1) Soybeans delivered to CCC under a purchase agreement must meet the requirements of soybeans eligible for loan. The purchase rate per bushel of eligible soybeans shall be the support rate established for the approved point of delivery, subject to adjustment in accordance with §§ 601.283 and 601.284, except as provided in subparagraph (2) of this paragraph.

(2) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse receipt or the accompanying supplemental certificate representing soybeans stored in the warehouse contains a statement in substantially the following form "Full storage charges, not including receiving charges, paid through May 31, 1954, $_____," the producer shall be given credit for the smaller of (i) the storage charges prepaid by the producer, or (ii) the amount of the warehouse storage charges determined according to the time of deposit as provided in § 601.284 at the time the settlement value of the commodity delivered is determined.

For soybeans stored in approved warehouses operated by Eastern common carriers, if the supplemental certificate and delivery order representing soybeans stored in the warehouse contains a statement in substantially the following form "Full storage charges paid through May 31, 1954, $_____," no deduction for storage shall be made from the support rate at the time the settlement value of the commodity delivered is determined. The producer shall be given credit for the amount of any elevation charge prepaid at the time the settlement value of the commodity delivered is determined, if he presents evidence showing such prepayment.

(d) *Track-loading.* A track-loading payment of 2 cents per bushel will be made to the producer on soybeans delivered to CCC on track at a county point.

Issued this 20th day of July 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-6506; Filed, July 24, 1953; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

SUBPART B—STANDARDS

REVISION OF OFFICIAL COTTON STANDARD OF U. S. FOR GRADE OF GOOD MIDDLING UPLAND COTTON

On June 18, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 3485) regarding the proposed change of the official cotton standard of the United States for the grade of Good Middling (7 CFR 27.151) from a descriptive to a physical form standard.

After consideration of all relevant matters presented pursuant to the notice, the following official cotton standard of the United States for the grade of Good Middling upland cotton is hereby promulgated to supersede on August 1, 1954, the provisions of § 27.151 of Title 7, Code of Federal Regulations, effective August 15, 1953, pursuant to the authority contained in section 1926 of the Internal Revenue Code (53 Stat. 213; 26 U. S. C. 1926) and in section 6 of the United States Cotton Standards Act (42 Stat. 1518, 7 U. S. C. 56)

§ 27.151 *Good Middling.* Good Middling shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Middling, effective August 1, 1954."

Effective date. Section 27.151 as here amended shall become effective at 12:01 a. m., e. s. t., August 1, 1954.

(Sec. 6, 42 Stat. 1518, sec. 1926, 53 Stat. 213; 7 U. S. C. 56, 26 U. S. C. 1926)

Done at Washington, D. C., this 21st day of July 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-6568; Filed, July 24, 1953; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 22]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.468 *Plum Order 22*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time inter-

vening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 25, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 16, 1953; recommendation as to the need for, and the extent of regulation of shipments of such plums was made at the meeting of said committee on July 16, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 25, 1953; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 25, 1953, and ending at 12:01 a. m., P. s. t., November 1, 1953, no shipper shall ship from any shipping point during any day any package or container of Late Duarte plums unless:

(i) Such plums grade at least U. S. No. 1 with a tolerance of ten (10) percent for defects not considered serious damage, and a tolerance of ten (10) percent for hail damage not considered serious damage, both of such tolerances to be in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack if said quantity does not exceed twenty (20) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq., 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of July 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-6565; Filed, July 24, 1953; 8:49 a. m.]

[Plum Order 23]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.469 *Plum Order 23*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 25, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 16, 1953; recommendation as to the need for, and the extent of regulation of shipments of such plums was made at the meeting of said committee on July 16, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 25, 1953; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 25, 1953, and ending at 12:01 a. m., P. s. t., November 1, 1953, no shipper shall ship from any shipping point during any day any package or container of Grand Duke plums unless:

(i) Such plums grade at least U. S. No. 1 with a tolerance of ten (10) percent for defects not considered serious damage, and a tolerance of ten (10) percent for hail damage not considered serious damage, both of such tolerances to be in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq., 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used

in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of July 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-6566; Filed, July 24, 1953; 8:49 a. m.]

[Plum Order 24]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.470 *Plum Order 24*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 25, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 16, 1953; recommendation as to the need for, and the extent of regulation of shipments of such plums was made at the meeting of said committee on July 16, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 25, 1953; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., July 25, 1953, and ending at 12:01 a. m., P. s. t., November 1, 1953, no shipper shall ship from any shipping point during any day any package or container of Giant plums unless:

(i) Such plums grade at least U. S. No. 1 with a tolerance of ten (10) percent for defects not considered serious damage, and a tolerance of ten (10) percent for hail damage not considered serious damage, both of such tolerances to be in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq., 18 F. R. 712, 2839) sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of July 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-6567; Filed, July 24, 1953; 8:49 a. m.]

[Lemon Reg. 495]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.602 *Lemon Regulation 495*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 22, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 26, 1953, and ending at 12:01 a. m., P. s. t., August 2, 1953, is hereby fixed as follows:

(i) District 1. Unlimited movement;

(ii) District 2: 450 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base sched-

ule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of July 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: July 19, 1953]

DISTRICT NO. 2

[12:01 a. m., July 26, 1953, to 12:01 a. m., Aug. 9, 1953]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.587
American Fruit Growers, Inc., Fullerton	.635
American Fruit Growers, Inc., Upland	.279
Consolidated Lemon Co.	1.373
Ventura Coastal Lemon Co.	1.232
Ventura Pacific Co.	2.023
Chula Vista Mutual Lemon Association	.597
Index Mutual Association	433
La Verne Cooperative Citrus Association	2.892
Ventura County Orange & Lemon Association	2.500
Glendora Lemon Growers Association	1.911
La Verne Lemon Association	.899
La Habra Citrus Association	1.301
Yorba Linda Citrus Association	1.044
Escondido Lemon Association	2.762
Cucamonga Mesa Growers	1.444
Etiwanda Citrus Fruit Association	.361
San Dimas Lemon Association	1.641
Upland Lemon Growers Association	7.834
Central Lemon Association	1.127
Irvine Citrus Association, The	1.081
Placentia Mutual Orange Association	716
Corona Citrus Association	.333
Corona Foothill Lemon Co.	3.655
Jameson Co.	1.072
Arlington Heights Citrus Co.	.965
College Heights Orange & Lemon Association	4.426
Chula Vista Citrus Association, The	.939
Escondido Cooperative Citrus Association	.195
Fallbrook Citrus Association	1.636
Lemon Grove Citrus Association	.347
Carpinteria Lemon Association	1.629
Carpinteria Mutual Citrus Association	1.889
Goleta Lemon Association	3.911
Johnston Fruit Co.	4.458
North Whittier Heights Citrus Association	790
San Fernando Heights Lemon Association	.677
Sierra Madre-Lamanda Citrus Association	.529
Briggs Lemon Association	2.589
Culbertson Lemon Association	1.083
Fillmore Lemon Association	1.368
Oxnard Citrus Association	4.519
Rancho Sespe	1.412
Santa Clara Lemon Association	3.713
Santa Paula Citrus Fruit Association	4.352
Saticoy Lemon Association	3.235
Seaboard Lemon Association	3.289

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Somis Lemon Association	3.663
Ventura Citrus Association	1.318
Ventura County Citrus Association	.363
Limoneira Co.	2.776
Teague-McKevett Association	.924
East Whittier Citrus Co.	.[illegible]
Murphy Ranch Co.	1.851
Far West Produce Distributors	.034
Huarte, Joseph D.	.001
Paramount Citrus Association, Inc.	.631
Santa Rosa Lemon Co.	.165

[F. R. Doc. 53-6615; Filed, July 24, 1953; 8:57 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—RADIOISOTOPE DISTRIBUTION

APPEALS; REVIEW OF ORDERS

Pursuant to the Atomic Energy Act of 1946, as amended (Pub. Law 585, 79th Cong., 60 Stat. 755ff) and section 4 (a) of the Administrative Procedure Act of 1946, as amended (Pub. Law 404, 79th Cong.) and in accordance with Title 10, Chapter I, Part 30, Code of Federal Regulations, entitled "Radioisotope Distribution," promulgated April 9, 1951, and published in volume 16, pages 3251, et seq. of the FEDERAL REGISTER, amendments to the Radioisotope Distribution Regulation are set forth hereunder.

1. A center headnote, Appeals, is added preceding new § 30.90.

2. Section 30.90, reading as follows, is added:

§ 30.90 *Review of orders.* (a) Review of orders under this regulation of the Director, Isotopes Division, Oak Ridge Operations Office, shall be by appeal to the General Manager. Any such order may be appealed by sending a written notice of appeal by registered mail to the General Manager, U. S. Atomic Energy Commission, Washington 25, D. C., within thirty days from the receipt of notice of such order. A copy of such notice shall be sent to the Director, Isotopes Division, U. S. Atomic Energy Commisison, Oak Ridge Operations Office, P. O. Box "E", Oak Ridge, Tennessee. Service of a notice of appeal pursuant to this section shall stay the order of the Director unless the Director provides in said order that it shall be effective notwithstanding service of a notice of appeal upon the ground that the public health, safety or interest so requires.

(b) (1) Within ten days after receipt of the copy of the notice of appeal, the Director shall forward to the General Manager the record of the matter under appeal, together with a statement of the grounds of his decision. A copy of such statement shall be sent to the appellant.

(2) Within ten days after receipt of such copy of the statement of the Director, the appellant shall submit to the General Manager a statement of the grounds of the appeal, together with such affidavits and other written materials as the appellant wishes to be considered in connection with the appeal. The appellant shall furnish a copy of said statement and any written material submitted in connection therewith to the Director.

(3) The General Manager may request the Director or the appellant, or both, to submit further information.

(4) The General Manager may, or, upon the timely filing by the appellant of a written request for hearing with the General Manager, shall, direct that a hearing be held. Such request for hearing may be filed within the time allowed for appellant to file the statement of the grounds of the appeal, or, if the General Manager requests appellant to submit further information, within the time allowed by the General Manager for such submission, whichever is later.

(c) The General Manager may appoint a board or other designee to make recommendations or, if a hearing is to be held as provided in paragraph (b) (4) of this section, to conduct the hearing and make recommendations. If a board or other designee is appointed to conduct a hearing, such board or other designee shall at the conclusion thereof submit to the General Manager a transcript of the proceedings before it. Copies of the recommendations of a board or other designee shall be sent to the parties. Written exceptions to such recommendations may be filed with the General Manager within a reasonable time to be specified therefor by said board or other designee.

(d) The General Manager shall review the entire record and decide the appeal.

(e) The General Manager may authorize the Deputy General Manager to carry out any function of the General Manager provided for in this section. Any decision made by the Deputy General Manager so authorized by the General Manager shall have the same force and effect as if made by the General Manager.

(60 Stat. 755-775, as amended; 42 U. S. C. 1801-1819)

The foregoing additions to the regulation shall be effective July 25, 1953.

Dated at Washington, D. C., this 20th day of July 1953.

WALTER J. WILLIAMS,
Deputy General Manager.

[F. R. Doc. 53-6554; Filed, July 24, 1953; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5983]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CZECHO-SLOVAK CRYSTAL IMPORTERS ASSOCIATION, INC., ET AL.

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.280 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Coercing and intimidating:* § 3.370 *Suppliers and sellers*—To limit sale and distribution to member distributors. Subpart—*Combining or conspiring:* § 3.420 *To enhance, maintain or unify prices:* § 3.450 *To limit distribution or dealing to regular, established or*

acceptable channels or classes: § 3.470 *To restrain and monopolize trade:* § 3.475 *To restrict competition in buying.* Subpart—*Controlling, unfairly, seller-suppliers:* § 3.535 *Controlling, unfairly, seller-suppliers.* Subpart—*Cutting off competitors' or others' supplies or service:* § 3.615 *Exclusive contracts with suppliers.* In connection with the purchase, sale, or distribution of lighting glass products or lighting fixtures in commerce, and on the part of respondent Imported Crystal Association, Inc. (formerly Czecho-Slovak Crystal Importers Association, Inc.) twelve corporate respondents, and their officers, etc., two partnerships; and one individual engaged as sole proprietor; entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between any two or more of said respondents, or between any one or more of said respondents, and others not parties to the proceeding, engaged in competition with any of said respondents, to (1) induce, coerce, or compel, or attempt to induce, coerce, or compel manufacturers of Czechoslovakian lighting glass products or any other manufacturers or suppliers of lighting glass products to restrict their sales of such products only to respondents; (2) hinder or prevent purchasers, or potential purchasers, of lighting glass products who are not members of the Czecho-Slovak Crystal Importers Association, Inc., from obtaining such products from Czechoslovakia or any other source of supply; (3) fix or attempt to fix prices, discounts, terms or conditions of purchase of lighting glass products from Czechoslovakia or any other source of supply or maintain any prices, terms or condition of sales so fixed; and (4) confine, restrict, limit, or attempt to confine, restrict, or limit their purchases of lighting glass products to Czecho-slovak Glass Export Co., Ltd., or any other source or sources of supply; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Czecho-Slovak Crystal Importers Association, Inc. (Imported Crystal, etc.) et al., New York, N. Y., Docket 5988, June 25, 1953.]

In the Matter of Czecho-Slovak Crystal Importers Association, Inc., Bohemia Import Co., Inc., Crystal Mart, Incorporated, Elite Glass Co., Inc., Nelson Bead Co., Inc., Weiss & Biheller Merchandise Corporation, Lightolier Co., Inc., Rialto Import Corporation, Gregory Sales Company, Inc., Charles J. Winston & Co., Inc., Lawson Crystal, Inc., Sol Horn, Inc., and Warren Kessler Inc., Corporations, Their Officers, Agents, Representatives and Employees; Isaac Albert, Louis Albert, and Charles Albert, as Individuals and Copartners Trading as I. Albert Co., Sol Goodman and Edith Goodman, as Individuals and Copartners Trading as Goody Lamp Co., and Lewis J. Smith, as an Individual Trading as Crystal Import Co.

This proceeding was instituted by complaint which charged respondents with the use of unfair methods of competition in commerce in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice" dated June 29, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on June 25, 1953 and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That respondents Imported Crystal Association, Inc. (formerly Czecho-Slovak Crystal Importers Association, Inc.) Bohemia Import Co., Inc., Crystal Mart, Incorporated; Elite Glass Co., Inc., Nelson Bead Co., Inc., Weiss & Biheller Merchandise Corporation; Lightolier Co., Inc., Rialto Import Corporation; Gregory Sales Company, Inc., Charles J. Winston & Co., Inc., Lawson Crystal, Inc., Sol Horn, Inc., and Warren Kessler, Inc., corporations, their officers, agents, representatives and employees; Isaac Albert, Louis Albert, and Charles Albert, as individuals and copartners trading under the name and style of I. Albert Co., Sol Goodman and Edith Goodman, as individuals and copartners trading under the name and style of Goody Lamp Co., and Lewis J. Smith, as an individual trading under the name and style of Crystal Import Co., directly or through any corporate or other device, in connection with the purchase, sale or distribution of lighting glass products or lighting fixtures in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto engaged in competition with any of said respondents, to do or perform any of the following things:

1. Inducing, coercing, compelling, or attempting to induce, coerce, or compel manufacturers of Czechoslovakian lighting glass products or any other manufacturers or suppliers of lighting glass products to restrict their sales of such products only to respondents.

2. Hindering, preventing, or attempting to hinder or prevent purchasers, or potential purchasers, of lighting glass products who are not members of the Czecho-Slovak Crystal Importers Association, Inc., from obtaining such products from Czechoslovakia or any other source of supply.

3. Fixing or attempting to fix prices, discounts, terms or conditions of purchase of lighting glass products from Czechoslovakia or any other source of supply or maintaining any prices, terms or condition of sales so fixed.

4. Confining, restricting, limiting, or attempting to confine, restrict, or limit their purchases of lighting glass products to Czechoslovak Glass Export Co., Ltd., or any other source or sources of supply.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this the 25th day of June, 1953.

Issued: June 29, 1953.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-6573; Filed, July 24, 1953; 8:51 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat 463, as amended by 61 Stat. 11, 63 Stat. 409; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371, 67 Stat. 18), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146) is amended as set forth below:

1. Section 146.26 *Penicillin ointment* * * * is amended as follows:

a. In subparagraph (1) (iii) of paragraph (c) *Labeling,* insert the words "or 36" between the figure "24" and the word "months"

b. In subparagraph (3) (iii) of paragraph (d) *Request for certification, samples,* delete the words "the ointment base of"

2. In § 146.58 *Penicillin and streptomycin, penicillin and dihydrostreptomycin,* paragraph (b) *Packaging,* is amended by changing "0.5 gram" to read "0.25 gram"

3. In § 146.68 *Dibenzylethylenediamine dipenicillin G* * * *, subparagraph (3) of paragraph (c) *Labeling* is amended by changing the figure "24" to read "36"

4. In § 146.77 *Dibenzylethylenediamine dipenicillin G for aqueous injection,* subparagraph (1) (iii) of paragraph (c) *Labeling* is amened by changing the figure "24" to read "36"

This order, which provides for an expiration date of 36 months for penicillin ointment if the person who requests certification has proved his drug to be stable for such period of time; for a change in the expiration date for dibenzylethylenediamine dipen-

icillin G and dibenzylethylenediamine dipenicillin G for aqueous injection from 24 months to 36 months; and for a change in the quantity of streptomycin or dihydrostreptomycin that must be contained in penicillin and streptomycin and penicillin and dihydrostreptomycin from a minimum of 0.5 gram to a minimum of 0.25 gram, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: July 21, 1953.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 53-6569; Filed, July 24, 1953; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Revision 2]

MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

This revision broadens the purchase programs for mica to include both ruby and nonruby domestically produced mica and clarifies and extends the notification and termination provisions of sections 3, 4, and 5 of the regulation. It supersedes Revision 1, dated July 28, 1952, and Amendment 1 to said Revision 1, dated October 14, 1952.

Sec.
1. Basis and purpose.
2. Definitions.
3. Duration of Programs A and B.
4. Program A.
5. Program B.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 95, 83d Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase, pursuant to delegation of authority from the Defense Materials Procurement Administrator, dated March 12, 1952, as thereafter revised or modified, hand-cobbed muscovite ruby and nonruby crude mica and processed muscovite ruby and nonruby block and film mica, all of domestic origin, as authorized by the Defense Production Administration on February 5, 1952, and outlines the attendant responsibilities and functions of the Administrator in purchasing such mica for Government use and resale. In accordance with Programs A and B set forth herein, the Administrator will buy domestically produced mica conforming to the requirements, at the price, and under the other terms and conditions of this regulation.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Government depot" means the purchase depots of the Government at Franklin, New Hampshire, Spruce Pine, North Carolina, Custer, South Dakota, or any other such depots established hereafter.

(c) "Domestic origin" means mined within the United States (the forty-eight States and the District of Columbia).

(d) "Block mica" means processed muscovite ruby and nonruby block mica which conforms with the requirements of section 4 (b) of this regulation.

(e) "Film mica" means processed muscovite ruby and nonruby film mica which conforms with the requirements of section 4 (b) of this regulation.

(f) "Hand-cobbed mica" means run-of-the-mine muscovite ruby and nonruby mica crystal which is free from dirt, rock and mine run scrap and which conforms with the requirements of section 5 (b) of this regulation.

(g) "Program A" means the Program for purchase by the Government of processed block and film mica of domestic origin.

(h) "Program B" means the Program for purchase by the Government of hand-cobbed mica of domestic origin.

(i) "Regional Director" means the Director of any one of the following General Services Administration regional offices having jurisdiction as indicated below:

Region No.	Addresses	Government depots over which jurisdiction is exercised
1	Regional Director, General Services Administration, 650 Post Office and Courthouse, Boston 9, Mass.	Franklin, N. H.
4	Regional Director, General Services Administration, 50 Seventh St. NE., Atlanta 5, Ga.	Spruce Pine, N. C.
6	Regional Director, General Services Administration, 1800 Federal Office Bldg., 911 Walnut St., Kansas City 6, Mo.	Custer, S. Dak.

SEC. 3. *Duration of Programs A and B.* Programs A and B shall terminate and be of no further force or effect and deliveries thereunder will not be accepted after the close of business June 30, 1955, or when the total block, film and hand-cobbed mica delivered to and accepted by the Government under said Programs reaches the equivalent of 25,000 short tons of hand-cobbed mica, whichever first occurs. For the purpose of computing said 25,000 short tons of hand-cobbed mica, 90 pounds of block or film mica shall be deemed to be the equivalent of one (1) short ton of hand-cobbed mica.

SEC. 4. *Program A—(a) Participation in program.* Any person may participate in Program A by giving notice to the Regional Director having jurisdiction over the Government depot nearest to the location of his mica processing plant. Such notice shall be in the form of a letter, postcard or telegram, postmarked or dated by the telegraph office not later than June 30, 1954, and shall state: (1) That the applicant has read this regulation and accepts its terms and conditions, and (2) that he desires to participate in "Mica Program A" and will offer mica to the Government pursuant thereto. Such notice must be signed and a return address given. Any person giving notice in the form required above will promptly be sent a certificate authorizing him to deliver block or film mica which conforms with the requirements set forth in paragraph (b) of this section. A person participating in Program A may not participate simultaneously in Program B.

(b) *Requirements.* (1) All block and film mica purchased under Program A shall in every respect conform to the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of block or film mica by the Government. All good stained and better nonruby block and film mica purchased under Program A shall in addition conform in every respect to the requirements for Class C-1-BB of American Society for Testing Materials Specification D-748 latest revision as of the date of acceptance of each lot of nonruby block or film mica by the Government. The qualities for all block and film mica which will be accepted are good stained and better, stained and heavy stained.

(2) The following grades will be accepted:

Grades	Area of minimum rectangle (square inches)	Minimum dimension of 1 side (inches)
No. 6	1	¾
No. 5½	2¼	7/8
No. 5	3	1
No. 4	6	1½
No. 3 and larger	10	2

(3) Each lot of block or film mica must contain not less than 20 percent good stained or better quality.

(4) All good stained and better block and film mica must be full-trimmed; stained and heavy stained will be accepted in half trimmed or full trimmed form.

(c) *Deliveries.* Block and film mica offered to the Government under Program A shall be delivered f. o. b. the Government depot nearest to the participant's processing plant. Each individual lot must contain exclusively either ruby or nonruby mica; mixed lots will be rejected. Prior to delivery a participant must give the Superintendent of the Government depot to which he is shipping, reasonable advance notice with respect to the quantity to be delivered and the proposed delivery date. The Superintendent of the Government depot will then establish a delivery schedule with each participant. The Government reserves the right to reject any deliveries that have not been so scheduled.

(d) *Inspection and acceptance.* Each delivery will be inspected by the Government at the Government depot. Deliveries not conforming to the minimum requirements set forth in paragraph (b),

of this section will be rejected and all costs to the Government except inspection costs in connection therewith will be borne by the owner of the mica. The decision of the Government with regard to acceptance (including quality, grade and other requirements) or rejection will be final.

(e) *Price schedule.* The following prices per pound will be paid for processed ruby and nonruby block and film mica delivered f. o. b. Government depot and accepted by the Government:

PRICE SCHEDULE

[Per pound]

Grades	Ruby				
	Qualities (full-trimmed)			Qualities (half-trimmed)	
	Good stained and better	Stained	Heavy stained	Stained	Heavy stained
No. 3 and larger	$70.00	$18.00	$13.00	$12.00	$8.00
No. 4 and No. 5	40.00	8.00	6.00	5.00	4.00
No. 5½ and No. 6	15.00	5.00	3.00	3.00	2.00
	Nonruby				
No. 3 and larger	$56.00	$14.40	$10.40	$9.60	$6.40
No. 4 and No. 5	32.00	6.40	4.80	4.00	3.20
No. 5½ and No. 6	12.00	4.00	2.40	2.40	1.60

SEC. 5. *Program B*—(a) *Participation in program.* Any person may participate in Program B by giving notice to the Regional Director having jurisdiction over the Government depot nearest to the location of his mine or deposit. Such notice shall be in the form of a letter, postcard or telegram, postmarked or dated by the telegraph office not later than June 30, 1954, and shall state: (1) That the applicant has read this regulation and accepts its terms and conditions, and (2) that he desires to participate in "Mica Program B" and will offer mica to the Government pursuant thereto. Such notice must be signed and a return address given. Any person giving notice in the form required above will promptly be sent a certificate authorizing him to deliver hand-cobbed mica which conforms with the requirements of paragraph (b) of this section. A person participating in Program B may not participate simultaneously in Program A.

(b) *Requirements.* (1) The requirements for all hand-cobbed mica under Program B are that it must yield four and one-half (4½) percent block or film mica, grade six (6) or larger and heavy stained or better quality, of which at least eighteen (18) percent must be good stained or better quality and at least twenty-seven (27) percent must be stained or better quality. All block and film mica to be processed from this hand-cobbed mica shall conform in all other respects with the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of hand-cobbed mica by the Government. The good stained and better nonruby block and film to be processed from this hand-cobbed mica shall, in addition, conform in all other respects with the requirements for Class C-1-BB of American Society for Testing Materials Specification D-748, latest revision as of the date of acceptance of each lot of nonruby hand-cobbed mica by the Government.

(c) *Inspection and acceptance.* The participant shall give reasonable advance notice to the Superintendent of the Government depot to which he will ship the hand-cobbed mica, stating the quantity he proposes to offer for sale to the Government under Program B. Upon such notification, the Government shall arrange for inspection of the hand-cobbed mica offered at the point of production or at such other points as are mutually agreed upon between the participant and the Government: *Provided, however* That such inspection shall not be made beyond a three hundred (300) mile radius of the Government depot to which the participant will ship. After inspection by a Government inspector the hand-cobbed mica will be accepted by the Government if in the judgment of the Government inspector the offered hand-cobbed mica will conform to the requirements of paragraph (b) of this section, and will be rejected by the Government if in his judgment it will not conform to such requirements. Such acceptance or rejection shall be final. If, after processing, the Government determines that any such accepted lot or lots of hand-cobbed mica delivered from a specific mine or deposit fail to yield block or film mica in accordance with the requirements of paragraph (b) of this section, the Government reserves the right to refuse to consider or accept further offerings of hand-cobbed mica from the particular mine or deposit from which such lot or lots were produced.

(d) *Deliveries.* Hand-cobbed mica accepted by the Government under Program B is to be delivered as follows: (1) If shipped by rail, f. o. b. common carrier's conveyance at a railroad delivery point designated by the Government which will be as close as possible to the Government depot; or (2) if shipped by motor truck, f. o. b. Government depot. Each individual lot must contain exclusively either ruby or nonruby mica; mixed lots will be rejected. Hand-cobbed mica accepted by the Government under paragraph (c) of this section shall not be delivered in shipments of less than one thousand (1,000) pounds. Prior to shipment the shipper must give the Superintendent of the Government depot to which he is shipping reasonable advance notice with respect to the quantity to be shipped and the proposed shipping date. The Superintendent of the Government depot will then establish a shipping schedule with each shipper and will instruct the shipper how to prepare the hand-cobbed mica for shipment. The Government reserves the right to reject any hand-cobbed mica which has not been so scheduled and prepared.

(e) *Prices.* The prices to be paid for hand-cobbed mica accepted by and delivered to the Government in accordance with paragraphs (c) and (d) of this section will be $600 per short ton (2,000 pounds) for ruby hand-cobbed mica and $480 per short ton (2,000 pounds) for nonruby hand-cobbed mica.

Dated: July 22, 1953.

RUSSELL FORBES,
Acting Administrator

[F. R. Doc. 53-6603; Filed, July 24, 1953; 8:56 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

CONTINUANCE IN EFFECT OF ALL CURRENT REGULATIONS AND OTHER FORMAL ISSUES

All current Veterans' Administration regulations, manuals, instructions, bulletins, circulars, Administrator's decisions, delegations of authority and other issues applicable to the Veterans' Administration shall remain in full force and effect until such time as the same may be specifically amended or revoked.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

JULY 22, 1953.

[F. R. Doc. 53-6574; Filed, July 24, 1953; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

ESTABLISHMENT OF ORDER OF PRIORITY FOR PROCESSING AND DESIGNATION FOR HEARING OF MUTUALLY EXCLUSIVE TELEVISION APPLICATIONS

In the matter of the establishment of an order of priority for the processing and designation for hearing of mutually exclusive television applications (footnote 10, § 1.371 of the rules)

1. The Commission has before it for consideration the establishment of an order of priority for the processing and designation for hearing of mutually exclusive television applications.

2. With the lifting of the television freeze and the recommencement of television application processing last July, the Commission adopted a "temporary processing procedure" to handle the expected flood of new applications.[1] This procedure, in general, established two processing lines: Group A, comprised of applications for stations in cities without operating stations and more than 40 miles from the nearest operating television station, and Group B, comprised of applications for stations in cities with television stations in operation or less than 40 miles from an operating station. Group B was further sub-divided into several subgroups with a priority afforded to communities where all the VHF channels were in operation and only VHF channels remained available for application. Within each group and sub-

[1] Footnote 10, § 1.371 of the rules.

group, cities were arranged by order of population. The procedure provided that Group A and Group B applications would be processed simultaneously in separate processing lines. The Commission prepared and published a list of cities arranged in the order of these priorities comprised on the basis of the stations on the air at the lifting of the television freeze.

3. On August 6, 1952, the Commission issued a Public Notice (Mimeo 78341) with respect to the designation for hearing of post-freeze competing television applications. The Commission stated that "for the time being the order in which the hearings are being scheduled is in accordance with the order of priorities set forth in the temporary processing procedure now being followed by the Commission in connection with the initial consideration of television applications." In designating applications for hearing and in setting hearing dates since that time, the Commission has employed the priorities set out in the temporary processing procedure. In October 1952, the Commission amended the above procedure to provide for the processing of "in the clear" applications with only a sufficient number of conflicting applications to be processed and designated for hearing in order to maintain a flow of hearing cases.

4. The Commission is now current in the processing of "in the clear" television applications. Such applications may now be processed in the order of filing, and the Temporary Processing Procedure established for handling such applications no longer appears necessary. However, there remains on file a backlog of mutually exclusive applications. As noted above, the priorities specified by this Temporary Processing Procedure have been employed in the processing and designation for hearing of such mutually exclusive applications. We are of the view that a revised procedure for the handling of such mutually exclusive applications should now be established in the light of changed circumstances.

5. Since the existing processing procedure has been established on the basis of the service rendered by the 108 television stations on the air prior to the freeze, it no longer accurately represents the service presently being received in many of the cities for which applications have been filed. We believe, in addition, that revised procedures for the processing and designation of applications for hearing should reflect only stations in operation within the cities concerned.

6. Accordingly, the Commission is amending footnote 10, § 1.371 of the rules by revising its procedure for the processing of television applications. "In the clear" applications will continue to be processed in the order of filing. With respect to the processing of mutually exclusive television applications and the designation of such applications for hearing, the Commission will publish lists of cities reflecting revised priorities in accordance with the rule as amended herein. This list will be brought up-to-date and published at bi-monthly intervals.

7. The processing of mutually exclusive applications prior to designation for hearing will be commenced in the order of the priorities as reflected in the above list, with cities taken alternately from the two lines established. Upon completion of such processing, the applications will be designated for hearing. In view of the fact that some applications may require more time for processing than others, the actual date of designation for hearing may differ from the exact order of priorities as reflected by the list of cities.

8. The procedure adopted here provides that the Commission may in the public interest and to prevent manifest injustice, process and designate for hearing applications without regard to the priorities.

9. In view of the foregoing, § 1.371 of the Commission's rules is amended by deleting the present text of footnote 10 and substituting the following:

[10] *Temporary procedure for processing applications for television broadcast stations and for designating for hearing mutually exclusive television applications.* Until further order of the Commission the following temporary procedures shall apply with respect to the processing of applications for television broadcast stations and for the designation for hearing of such mutually exclusive applications. The term "operating television station" as used in this footnote means a television broadcast station for which the Commission has issued a license for regular commercial operation, an STA for regular commercial operation, or authority to conduct program tests.

(1) *Non-commercial educational applications and applications for the Territories.* Applications for non-commercial educational television stations and applications for television stations in Puerto Rico, Alaska, Hawaiian Islands and Virgin Islands will be separately processed in the order in which they are accepted for filing.

(2) *Processing of non-competing applications for television broadcast stations.* (a) An application for a new television broadcast station must request a specific channel provided for in the Commission's Table of Assignments for the city in which the applicant proposes to construct his station. Regardless of the number of applications filed for channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i. e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 6, 13, 47 and 53 have been assigned to City X and there are pending two applications for Channel 6, and one application for each of the remaining channels, the latter three applications will be considered for grants without hearing and the two mutually exclusive applications requesting Channel 6 will be designated for hearing. If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

(b) Non-competing applications for television broadcast stations will be processed in the order of filing.

(c) An application by a licensee or the permittee of a television broadcast station which seeks to modify an outstanding license or permit to specify a channel other than that authorized in said license or permit will not be accepted for filing by the Commission, with the exception of applications filed pursuant to Commission Show Cause Orders.

(3) *Temporary procedure for processing and designating for hearing of mutually exclusive applications for television broadcast stations.* (a) Mutually exclusive applications for permits to construct new television broadcast stations will be processed in the following manner: Such applications will be separated into two groups.

Group A. Applications for cities with no operating television stations.

Group B. Applications for cities with one or more operating television stations, subdivided into various subgroups on the basis of the number of such operating stations. Applications for cities with one operating station will be listed first; applications for cities with two operating stations will be listed next; etc.

Based on the foregoing, the Commission will publish a list of cities for which mutually exclusive applications have been filed. Within each group and subgroup, cities will be listed by order of population (1950 Census). Where cities in Group A and Group B are listed in the Table of Assignments in combination, the total population of the cities shall be considered for the purposes of this subparagraph. Where an application requests a station in a city not listed in the Table but said city is within 15 miles of the city so listed, priority will be based on population of the listed city only. The list of cities will be published on the effective date of the rule and will be revised and published thereafter at bi-monthly intervals. The order of processing is as follows:

All applications for the first city listed in Group A.

All applications for the first city listed in Group B.

All applications for the second city listed in Group A.

All applications for the second city listed in Group B, etc.

(b) The Commission may in the public interest and to prevent manifest injustice, process and designate for hearing applications without regard to the priorities.

(c) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is contrary to the station separation requirements set forth in § 3.610 of the Commission's rules, said applications will be processed and designated for hearing at the time the application with the higher priority is processed. If the question concerning transmitter sites is resolved before a decision is rendered in the matter, the application with the lower priority will be returned to its appropriate place on the processing line. In order to be considered mutually exclusive with a higher priority application, the lower priority application must have been accepted for filing at least one day before the higher priority application has been acted upon by the Commission. If the higher priority application is in hearing status at the time the lower priority application is accepted for filing, the 30-day cut-off date specified in § 1.387 (b) (3) will be applicable.

(d) Applications for new television stations which were designated for hearing prior to April 14, 1952, and on which final action had not been taken by the Commission have been, by order in each docket, removed from hearing status. Said applications and all other applications for construction permits for television broadcast stations which were filed prior to April 14, 1952, shall be amended by the filing of a new and complete FCC Form 301 as revised April 14, 1952. Such applicants and all new applicants shall set forth complete answers to all questions contained therein and shall submit new and complete exhibits, data and other attachments. Applicants may not answer questions or submit exhibits, data and attachments by cross-reference to other applications or documents on file with the Commission except where proposed exhibits, data and attachments are not obtainable without undergoing undue hardships. In such instances, cross-references must be

specific and shall include the file number, page and paragraph of the application and amendment referred to, the number of the exhibit, and a description thereof. Applicants shall not cross-reference by using such phrasing as "on file" "previously filed" or similar phraseology. Applications which have not been amended by the filing of a completed FCC Form 301, or which fail to comply with the above requirements by the time they are reached for processing, will be dismissed.

(e) Where a mutually exclusive application on file with the Commission which has not been reached for processing becomes unopposed, or where an amended application or a new application is filed in place of the several competing applications and the applicant formed by such a merger is completely or substantially the same parties as the parties to the original application or applications, the remaining application may be available for consideration on its merits by the Commission at a succeeding regular meeting as promptly as processing and review by the Commission can be completed.

10. The amendments adopted herein are procedural in nature and Notice of Proposed Rule Making pursuant to the provisions of section 4 of the Administrative Procedure Act is unnecessary. The amendments adopted herein are issued pursuant to authority contained in sections 4 (i) 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended.

11. *It is ordered,* That, effective 30 days after publication in the FEDERAL REGISTER, footnote 10, § 1.371, of the Commission's rules is amended as set forth in paragraph 9 herein.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 14, 1953.

Released: July 17, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6617; Filed, July 24, 1953; 9:41 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 895]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS, TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOOKS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of July A. D. 1953.

It appearing, that fruit and vegetable containers, box shooks and other packing material are now moving in box cars from origins in the States of Washington, Oregon or California, to destinations in the States of California and Washington; and that refrigerator cars are moving empty from the same points of origin to the same destinations and that the substitution of refrigerator cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment: It is ordered, that:

§ 95.895 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks.* (a) (1) Except as provided in subparagraph (2) of this paragraph, common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, box shooks or other packaging or packing materials, in carloads, from origins located in the States of Washington, Oregon, or California, to destinations in the State of California and between origin points and destination points wholly within the State of Washington may, at their option, furnish and transport not more than three (3) refrigerator cars of FGEX, WFEX, BREX, PFEX, SFRD, or NP ownership, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car,

(i) Two (2) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of 40' 7" or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of over 40' 7" but not over 50' 7" subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) Application: The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) Effective date: This section shall become effective at 12:01 a. m., July 27, 1953.

(d) Expiration date: This section shall expire at 11:59 p. m., October 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) Rules and regulations suspended: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) Announcement of suspension: Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6563; Filed, July 24, 1953; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 28]

STANDARDS FOR GRADES OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES WITHIN THE UNITED STATES

DECISION RESPECTING PROPOSED AMENDMENT REGARDING DETERMINATION OF QUANTITY AND QUALITY INDEXES

On July 9, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F R. 4010) stating that the United States Department of Agriculture was considering an amendment to the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within United States (7 CFR Part 28) to provide for: (1) Mandatory use of a linters factor of 1.5 in determining the quantity index of cottonseed; and (2) a revision in the formula for computing free fatty acid discounts for below prime quality cottonseed. The standards for cottonseed are issued pursuant to the authority contained in the Agricultural Marketing Agreement Act, 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.)

After consideration of all relevant matters presented pursuant to the notice, it is hereby determined that the proposed amendment will not be made effective and that the standards for grades of cottonseed as amended effective August 1, 1952, will continue in effect.

The use of the linters factor in determining the quantity index of cottonseed will continue on an optional basis and until further notice the linters factor will be 2.5 as published in the FEDERAL REGISTER dated August 7, 1952 (17 F R. 7177)

Done at Washington, D. C., this 21st day of July 1953.

[SEAL] HOWARD H. GORDON,
Administrator

[F. R. Doc. 53-6576; Filed, July 24, 1953; 8:52 a. m.]

[7 CFR Part 925]

[Docket No. AO 226-A3]

HANDLING OF MILK IN PUGET SOUND WASHINGTON, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Circuit Court Room (Room 815) Federal Court House Building, Seattle, Washington, at 10:00 a. m., P. s. t. on August 10, 1953.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Puget Sound, Washington, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area (7 CFR 925.0 et seq.) set forth herein below, or modifications thereof. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by the United Dairymen's Association on its own behalf and on behalf of certain member cooperatives:

Proposal No. 1. Delete § 925.15 and substitute therefor the following:

§ 925.15 *Handler* "Handler" means:

(a) Any person, irrespective of whether such person is a cooperative association, in his capacity as the operator of a fluid milk plant or country plant; and

(b) Any cooperative association with respect to the milk of any producer which it causes to be put in a fluid milk plant or a country plant or to be diverted to a non-pool plant for the account of such cooperative association.

Proposal No. 2. Add the following as § 925.44 (d)

(d) For the purposes of this section the term "non-pool plant" shall include that portion of any plant used to receive or process milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified for consumption as fluid milk.

Proposal No. 3. Delete § 925.13 and substitute therefor the following:

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid milk plant or country plant or caused to be diverted by a handler for his account from such a plant to a non-pool plant: *Provided first,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted; *And provided second,* That the first proviso of this section shall not apply to milk diverted from a plant located in one district to a plant located in another district with a different location adjustment unless it is actually received at the plant from which it is caused to be diverted at least 15 days during each month that diversion is claimed (exclusive of April, May, and June)

Proposal No. 4. Delete § 925.18 and substitute therefor the following:

§ 925.18 *Base milk.* "Base milk" means milk delivered by a producer during the month which is not in excess of his base multiplied by the number of days of delivery in such month: *Provided,* That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant the days of non-delivery intervening days of delivery shall be considered as days of delivery for the purposes of this section; *And, provided second,* The base so computed shall become effective on the first day of March of the next year following its computation and shall remain in effect as the basis of settlement through the last day of February of the next succeeding year.

Proposal No. 5. Include provisions in the order to accomplish the following:

(a) To require the Market Administrator to estimate producer prices by the fifth of every month;

(b) To permit all handlers and cooperative associations to pay producers in accordance with his estimate and to make settlement with the producers on the basis of such estimated prices, and

(c) To level out any variance in such estimate in the next succeeding computation of the uniform price. Consideration should be given to changes in those portions of the order dealing with the computation of the uniform price which may be affected by this change.

Proposal No. 6. Delete from § 925.52 (a) the figure "1.25" and substitute therefor the figure "1.2."

Proposal No. 7. Add the following as § 925.61 (g)

(g) If a producer sells, leases or otherwise conveys both his farm and his herd to another person, the transferee may obtain the transferor's earned base upon establishing to the satisfaction of the Administrator that the transferee has taken possession of said farm and herd pursuant to said conveyance, and that such conveyance was bona fide and not for the purpose of evading any provision of Federal Milk Order No. 25.

Proposal No. 8. Revise the provisions relating to location adjustments applicable to the Class I milk price and to the uniform prices to producers as follows:

1. Amend § 925.6 by taking Skagit County out of District 2 and creating a new district to be designated District 4, comprising only those portions of Skagit County which are within the marketing area.

2. Amend § 925.53 to read as follows:

§ 925.53 *Location adjustment to handlers on Class I milk.* In computing the value of each handler's milk, there shall be credited with respect to skim milk and butterfat respectively in producer milk received at a plant located in Districts 2 and 3, the sum of forty (40¢) cents per hundredweight, and at a plant located in District 4 of twenty (20¢) cents per hundredweight, and at a plant located in Clallam or Jefferson County of fifty (50¢) cents per hundredweight.

3. Amend § 925.81 (a) in conformity with the above suggested change for § 925.53.

Proposed by the Arden Farms Company:

Proposal No. 9. Amend § 925.6 (definition of Puget Sound, Washington, marketing area) to include Kitsap and Mason Counties; Fox, McNeil and Anderson Islands; and the Peninsula on which Lake Bay and Gig Harbor are located, all in the State of Washington, to be a part of District No. 1 of the said marketing area.

Proposed by the Olympia Creamery Company:

Proposal No. 10. Amend § 925.54 so as to remove the location adjustment to handlers on milk utilized in certain Class II milk products as applied to milk shipped into Thurston County, Washington.

Proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 11. Delete § 925.14 and substitute therefor the following:

§ 925.14 *Other source milk.* "Other source milk" means (a) all skim milk and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products) and (b) all skim milk and butterfat in milk products not defined in § 925.41 (a) (1) on a milk equivalent basis if re-constituted into products defined in § 925.41 (a) (1), or as actual pounds received if used to fortify a product defined in § 925.41 (a) (1) (c) all other skim milk and butterfat other than in (1) producer milk, and (2) milk and milk products defined in § 925.41 (a) (1) received from fluid milk plants and country plants.

Proposal No. 12. Delete in § 925.16 the phrase "but who receives no milk from producers" and substitute therefor the phrase "but who receives no milk from producers nor any other source milk."

Proposal No. 13. In the introductory language of § 925.30: (a) Delete the words "shall report for the preceding month" and insert therefor the words "shall make a separate report for the preceding month"; and (b) replace the word "and" between "fluid milk plants" and "country plants" with a comma.

Proposal No. 14. Delete § 925.44 (a) (4) and (b) (4) and substitute the following:

(4) If at any plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap and Mason are assigned to Class II milk, they shall be allocated to

the uses stated in § 925.54 (a) insofar as such uses are available after allocating to such uses the other source milk at such plant.

Proposal No. 15. Delete in § 925.44 (b) (1) the phrase "and after the subtraction of producer shrinkage" and substitute therefor the phrase "and after the subtraction of producer shrinkage classified as Class II milk pursuant to § 925.41 (b) (4) "

Proposal No. 16. Delete in § 925.54 (a) (1) the words "cheddar cheese" and substitute therefor the words "cheddar-type cheeses."

Proposal No. 17 In § 925.70 (a) add after the phrase "the total value of milk received during any month" the words "at each plant."

Proposal No. 18. In § 925.70 (a) (6) after the words "Add, with the respect with other source milk" the parenthetical phrase "(including overage allocated to other source milk) "

Proposal No. 19. Review the provisions of § 925.70 (a) (6) and § 925.70 (b).

Proposal No. 20. Add the following as § 925.87 (a) (3) immediately following paragraph (a) (2) of such section:

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this subparagraph are not being performed by such association(s) as determined by the market administrator.

Proposal No. 21. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order, as amended, may be procured from the Market Administrator, 200 Bigelow Building, Fourth and Pike Streets, Seattle 1, Washington, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 23, 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator

[F R. Doc. 53-6610; Filed, July 24, 1953; 8:52 a. m.]

[7 CFR Part 951]

[Docket No. AO-135-A4]

HANDLING OF TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Lodi, California, beginning on April 20, 1953, after notice thereof published in the FEDERAL REGISTER (18 F. R. 1785) on proposed amendments to Marketing Agreement No. 93, as amended, and Order No. 51, as amended (7 CFR Part 951), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Tokay grapes grown in San Joaquin and Sacramento counties in California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

On the basis of the evidence introduced at the hearing, and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 23, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F R. Doc. 53-5670; 18 F R. 3665) No exception to said recommended decision was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 53-5670; 18 F R. 3665) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

Marketing agreement and order Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin and Sacramento Counties in California" and "Order Amending the Order, as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin and Sacramento Counties in California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement, as amended, are identical with those contained in the attached order amending the order, as amended, which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of July 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

Order [1] Amending the Order as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin and Sacramento Counties in California

§ 951.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lodi, California, beginning on April 20, 1953, upon proposed amendments to Marketing Agreement No. 93, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the grapes covered thereby;

(4) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of Tokay grapes which are grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of Tokay grapes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceeding to formulate marketing agreements and marketing orders have been met.

1. Add after § 951.12 *Production area* the following new definitions:

§ 951.13 *Pack.* "Pack" means to place grapes into containers for shipment to market as fresh grapes and to deliver such containers of grapes to a packing platform or shed or to a vehicle for transportation to market or storage. The term "pack" also means to place grapes into a shipping container in a packing shed.

§ 951.14 *Allotment period.* "Allotment period" means any three consecutive days commencing with such day as may be established in a regulation issued pursuant to § 951.61.

§ 951.15 *Day.* "Day" means one calendar day except that Saturday and Sunday shall be considered as one such day.

2. Delete § 951.30 *Compensation* and insert, in lieu thereof, the following:

§ 951.30 *Compensation.* The members of the Industry Committee, and the alternate members of such committee, may be reimbursed for expenses necessarily incurred by them in attending meetings of the said committee and in performing services, necessary in connection with this subpart, at the request of such committee; and they may receive compensation in an amount not in excess of $10.00 per day for attending each such meeting and for performing such services. The members of the Shippers' Advisory Committee, and the alternate members of such committee, may be reimbursed for expenses necessarily incurred by them in attending meetings of the said committee.

3. Amend § 951.33 *Procedure* by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) as follows:

(b) The Industry Committee may vote by mail, telephone or telegraph: *Provided,* That any action taken by the committee on a mail, telephone, or telegraph vote shall be by unanimous vote of all members of the committee or their appropriate alternates. Any vote by telephone or telegraph shall be confirmed in writing. At any assembled meeting, all votes shall be cast in person.

4. Delete paragraph (b) of § 951.52 *Exemptions* and insert, in lieu thereof, the following:

(b) In the event the Secretary issues a regulation pursuant to § 951.51, the Industry Committee shall issue an exemption certificate to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or having shipped in fresh fruit channels from a particular vineyard a percentage of his crop of grapes equal to (1) the average percentage of grapes, as determined by the committee, produced in and so shipped from his district during the preceding three seasons or (2) the average percentage of grapes produced in and so shipped from such vineyard during the preceding three seasons, whichever percentage is the greater. The certificate shall permit such grower to ship, or have shipped, in fresh fruit channels, a percentage of his crop of grapes from such vineyard equal to such greater percentage: *Provided,* That as to vineyards having an age of nine years or less, the committee shall each season establish, for the vineyards of each such age, the quantity of grapes, per acre, likely to be shipped from such vineyards during that season and the applicable quantity shall be used in lieu of the quantity of grapes determined by the committee pursuant to subparagraph (1) of this paragraph. In computing the aforesaid quantities that were shipped during the preceding three seasons, there shall be omitted the aggregate quantities of grapes shipped under exemption certificates.

5. Add after paragraph (d) of § 951.52 a new paragraph (e) as follows:

(e) Exemptions granted under the provisions of this section shall apply only as to regulations issued by the Secretary under § 951.51, and all shipments of grapes under exemption certificates, issued pursuant to this section, shall be subject to, and limited by, such regulations as may be effective under § 951.61 at the time of the respective shipment.

6. Delete §§ 951.60 through 951.70 together with the center headnotes which precede § 951.60 and § 951.70, and insert, in lieu thereof, the following:

REGULATION BY VOLUME

§ 951.60 *Recommendation for volume regulation.* (a) Whenever the Industry Committee finds, after investigation of the factors enumerated in paragraph (b) of this section, that the supply of grapes available for shipment exceeds the demand therefor and that it is advisable to regulate the handling of grapes pursuant to the provisions of §§ 951.60 through 951.72, it shall so recommend to the Secretary. Each such recommendation shall specify the period of time during which such regulation shall be effective and the respective total quantities of grapes which the committee deems advisable to be handled each allotment period during such period of time. The committee shall promptly report its findings and recommendations, together with supporting information, to the Secretary.

(b) In making each such recommendation, the Industry Committee shall give due consideration to the following factors: (1) Market prices for grapes; (2) supply, quality, and condition of grapes in the production area; (3) the supplies of all varieties of grapes on hand in, and en route to, the principal markets; (4) market prices and supplies of competitive fruits, including other varieties of grapes; (5) the probable daily shipments of grapes in the absence of regulation; (6) trend and level of consumer income; and (7) other relevant factors.

(c) The Industry Committee may, at any time, recommend to the Secretary that the quantity of grapes that may be handled during any such allotment period be increased or decreased, or that such regulation be terminated. Any such recommendation shall be supported by the reasons and information relied upon by the committee in making such recommendation.

(d) The Industry Committee shall give reasonable notice to growers and handlers of each meeting to consider recommendations for regulation, or for the modification or termination of regulation, pursuant to the provisions of this section. The committee shall also give prompt notice to growers and handlers of any such recommendation.

§ 951.61 *Issuance of volume regulation.* (a) Whenever the Secretary finds, from the recommendations and information submitted by the Industry Committee, or from other available information, that to limit the total quantity of grapes that may be handled during one or more allotment periods would tend to effectuate the declared policy of the act, he shall so limit the shipment of grapes. The Secretary may at any time increase or decrease the quantity of grapes which may be handled during an allotment period, or may terminate such regulation: *Provided,* That no decrease in the quantity of grapes which may be handled during an allotment period shall be made effective after the beginning of such allotment period.

(b) The Secretary shall immediately notify the Industry Committee of the issuance of each such regulation, and of each modification or termination thereof; and the committee shall give such notice thereof as may be reasonably calculated to bring such action to the attention of growers and handlers.

§ 951.62 *Allotments.* (a) Whenever the Secretary has fixed the total quantity of grapes that may be handled during an allotment period, the Industry Committee shall compute, for each person entitled thereto, the quantity of grapes which may be shipped by such person during such period. Such quantity shall be the allotment of such person and shall be in an amount equal to the product obtained by multiplying:

(1) The quantity of grapes fixed by the Secretary as the total quantity of grapes that may be handled during such allotment period, or

(2) The quantity of grapes so fixed by the Secretary less the portion thereof for allocation as adjusted allotment pursuant to § 951.65,

whichever is applicable, by such person's allotment percentage, computed in accordance with § 951.64. The Industry Committee shall notify each such person of his allotment on the day immediately preceding the allotment period.

(b) No person shall ship grapes during any allotment period when grapes are regulated pursuant to § 951.61 unless such person has allotment or adjusted allotment, pursuant to §§ 951.62 through 951.72, to ship such grapes: *Provided,* That allotment shall not be required to deliver grapes to a refrigerated storage warehouse, for storage purposes, within the State of California.

§ 951.63 *Application for allotment.* (a) Each person who proposes to ship grapes as the first handler thereof during any period in which grapes may be

regulated pursuant to § 951.61 shall submit to the Industry Committee, at such time and in such manner as the committee may prescribe, a written application for allotment. Such application shall be substantiated in such manner and shall be supported by such information as the committee may require, including (1) an accurate description of the location of each vineyard, or portion thereof, from which grapes will be handled by the applicant during the current season; (2) the number of acres and the age of the vines in each such vineyard or portion thereof; (3) the name and address of the producer, or authorized agent, for each such vineyard or portion thereof; (4) the number of standard packages, or the equivalent thereof, of grapes from each such vineyard, or portion thereof, that were shipped during each of the two preceding seasons; and (5) information identical to that required in subparagraphs (1) through (4) of this paragraph with respect to all other vineyards or portions thereof from which the applicant shipped grapes during either or both of the two preceding seasons. If the applicant does not have the record of shipments of grapes from a particular vineyard or vineyards but can furnish the record for a group of vineyards of which such vineyard or vineyards are a part, he shall set forth such record in his application and the shipments from each such vineyard shall be considered to be equal to the product obtained by multiplying the number of acres contained in that vineyard by the average shipments per acre for such group.

(b) The Industry Committee shall check the accuracy of the information submitted pursuant to paragraph (a) of this section and of § 951.75. If the committee finds that there is an error, omission, or inaccuracy in such information, it shall correct the same and shall notify the applicant, giving the reasons therefor. Upon request, the applicant shall be given an opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in a person receiving more or less allotment than that to which such person is entitled under the provisions of this subpart, such person's allotment shall be adjusted, over such period as may be determined by the committee, to the extent required to offset the error, omission, or inaccuracy.

§ 951.64 *Allotment percentage.* (a) The allotment percentage, of each applicant entitled thereto, for each allotment period shall be seventy-five percent of the percentage obtained by dividing the total grape shipments from such applicant's vineyards, as reported pursuant to subparagraphs (1) through (4) of § 951.63 (a), by the total grape shipments during the preceding two years from vineyards of all applicants, plus twenty-five percent of the percentage obtained by dividing the total quantity of grapes packed by or for such applicant during the three days preceding the day which immediately precedes the allotment period by the total quantity of grapes packed by or for all applicants during such three-day period: *Provided,* That, with respect to the first allotment period each season, the percentage based upon grapes packed shall be computed by using the applicable quantities of grapes packed during the six days preceding the day which immediately precedes such allotment period.

(b) If a person gains or loses the right to ship grapes from a vineyard by reason of a grower's transfer of his grapes from one person to another, there shall be a corresponding increase or decrease in that portion of the respective person's allotment percentage which is based on previous shipments. The person gaining the right so to ship grapes may submit an application to the Industry Committee for such increase, accompanied by a verification of the transfer by the grower or the person losing the right to ship such grapes. Such increase and decrease shall not be effective for any allotment period unless such application is received by the committee at least two days prior to such period.

(c) An allotment percentage shall be computed for, and allotment issued to, a person only if such person has made application therefor in accordance with the provisions of this section.

§ 951.65 *Adjustment of allotment.* A portion of the total quantity of grapes fixed by the Secretary as the quantity of grapes that may be handled during an allotment period shall be allocated, as adjusted allotment, to handlers in accordance with the provisions of this section.

(a) Each season, prior to recommending regulation pursuant to § 951.60, the Industry Committee shall establish the quantity of grapes, per acre, which is likely to be shipped during the current season from mature vineyards and separate quantities for vineyards from nine years to one year of age, respectively. In establishing these quantities, the committee shall consider (1) the estimated production of grapes for the current season; (2) the average number of standard packages of grapes, per acre, shipped from the production area during preceding seasons; (3) the estimated total acreage of grapes in the production area during the current and past seasons; (4) the acreage of grapes which have been thinned; (5) production records of mature vineyards and of vineyards from nine years to one year of age; and (6) other relevant factors.

(b) Adjusted allotment shall be allocated to handlers proposing to ship grapes, as first handlers thereof (1) from a vineyard from which grapes were not shipped during one or both of the two preceding seasons, (2) from a vineyard for which records of shipments during one or both of such seasons are not available, or (3) from a vineyard with less shipments per acre during one or both of such seasons than the quantity established by the Industry Committee in accordance with paragraph (a) of this section for vineyards of similar age. The amount of adjusted allotment so allocated to a handler shall be equal to the difference between the allotment to which such handler is entitled pursuant to the provisions of paragraph (a) (1) of § 951.62 and the allotment to which such handler would be entitled pursuant to the provisions of said paragraph (a) (1) if the previous shipments from such vineyard were equal to the applicable quantity established by the committee in accordance with paragraph (a) of this section: *Provided,* That in no event shall such amount exceed the amount of adjusted allotment requested by such handler.

(c) Any handler entitled to adjusted allotment may apply to the Industry Committee, on forms prescribed by it, for such allotment. Such application shall be filed with the committee at least two days prior to the first allotment period for which he desires adjusted allotment and shall contain the following information: (1) The identity of each vineyard for which adjusted allotment is requested; (2) the allotment period, or periods, for which such allotment is requested; and (3) the quantity of adjusted allotment requested for each such period.

(d) Any handler, to whom adjusted allotment is allocated for a vineyard, who fails to pack, or have packed, grapes from such vineyard to the extent of at least fifty percent during the first such allotment period, and eighty percent during each subsequent allotment period, of the applicable adjusted allotment, in addition to that portion of his allotment that is based on previous shipments from such vineyard, shall have deducted from allotment issued to him during the next allotment period an amount equivalent to such adjusted allotment. In addition, such handler shall not be entitled to adjusted allotment with respect to such vineyard unless such handler again applies for adjusted allotment therefor as provided in paragraph (c) of this section. Any quantity of grapes packed from a vineyard during an allotment period in excess of the quantity required to be packed pursuant to this paragraph may be carried forward and used in subsequent allotment periods to meet the packing requirements of this paragraph with respect to such vineyard.

§ 951.66 *Daily shipments during an allotment period.* A handler's daily allotment for any day of an allotment period shall be one-third of the total allotment (including adjusted allotment) issued to him for such allotment period; and a handler's shipments of grapes during any day of such period shall not exceed his daily allotment except by reason of allotment available as the result of the following: (a) An undershipment as provided in § 951.67, (b) an overshipment as provided in § 951.68; (c) an allotment loan as provided in § 951.69 (d) the repayment of allotment as provided in § 951.69.

§ 951.67 *Undershipments.* If, during any day within an allotment period, a handler ships grapes in an amount less than his daily allotment, he may ship during the remainder of such period, or during the allotment period beginning on the next day, a quantity of grapes equal to such undershipment: *Provided,* That the amount of undershipment which such handler may ship on any one day shall not exceed the equivalent of

such percentage of the total allotment issued to him for the allotment period during which such undershipment occurred as shall be established by the Industry Committee, or 1,105 standard packages of grapes, whichever is the greater.

§ 951.68 *Overshipments.* During any day within an allotment period, a handler may ship, in addition to his daily allotment, a quantity of grapes equivalent to such percentage of the total allotment issued to him for such period as shall be established by the Industry Committee, or 1,105 standard packages of grapes, whichever is the greater: *Provided,* That overshipments during an allotment period shall be offset by undershipments during such period so that the net overshipment during such period shall not exceed the equivalent of 500 standard packages of grapes. Any such overshipment during an allotment period shall be deducted from the total allotment issued to such handler for the allotment period beginning on the next day.

§ 951.69 *Allotment loans.* (a) A person to whom allotment has been issued may lend such allotment to another person to whom allotment has also been issued. Such loans shall be confirmed to the Industry Committee by each such person within twenty-four hours after the loan agreement has been entered into; and each such agreement shall provide for the repayment of the loan during a specified allotment period of the current marketing season when shipments of grapes are regulated pursuant to § 951.61.

(b) An allotment may be loaned for use only during the allotment period for which such allotment is issued. Persons to whom allotment is repaid may use such allotments only during the allotment period in which the repayment is made.

(c) No allotment which is loaned may again be loaned by the borrower.

(d) The Industry Committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm such transactions immediately after the completion thereof by memorandum addressed to the respective persons, which memorandum shall satisfy the confirmation requirements of paragraph (a) of this section.

(e) Except as provided in this section and in § 951.71, allotments are not transferable.

§ 951.70 *Priority of allotment.* Shipments during an allotment period shall first be applied against allotment issued for such allotment period before being applied against allotment available by reason of an undershipment, allotment loan, or repayment of allotment, in that order.

§ 951.71 *Assignment of allotment.* In connection with each handling of grapes which requires allotment, each handler shall, except with respect to shipments by rail car, at the time of shipment issue to the consignee or purchaser or agent thereof, an assignment of allotment certificate covering each quantity of grapes so handled. Such assignment of allotment certificate shall be on the form, and distributed in the manner, prescribed by the Industry Committee and shall contain the following information: (a) Date of shipment; (b) name and address of consignee or purchaser; (c) number of standard packages of grapes or the equivalent thereof in weight; (d) destination of shipment; (e) the license number or numbers of the truck and trailer transporting such grapes from the handler's place of business; and (f) the name of the handler issuing the assignment certificate. Such assignment shall also contain a certification to the United States Department of Agriculture and to the Industry Committee as to the truthfulness of the information shown thereon.

§ 951.72 *Right of appeal.* If any grower or handler is dissatisfied with any action taken by the Industry Committee pursuant to §§ 951.60 through 951.72, such grower or handler may appeal to the Secretary: *Provided,* That such appeal shall be made promptly. Any such appeal shall be made by filing with the Industry Committee a written notice of appeal stating the grounds upon which the appeal is made. Thereupon, the Industry Committee shall review the action being contested and shall determine whether and to what extent its original action should be revised. If the committee affirms its original action, it shall promptly forward the notice of appeal to the Secretary together with all data and information applicable thereto. The Secretary may, upon an appeal made as aforesaid, affirm, modify, or reverse the action of the Industry Committee and such action by the Secretary shall be final.

7. Delete § 951.75 *Reports* and insert, in lieu thereof, the following:

§ 951.75 *Reports.* For the purpose of enabling the Industry Committee to perform its functions under this subpart, each handler shall furnish, or authorize any or all railroad, transportation, and cold storage agencies to furnish, to the confidential employees of the Industry Committee, complete information, in such form and at such times and substantiated in such manner as shall be prescribed by the Industry Committee, with regard to each shipment of grapes. Such information may include (a) a report of all grapes packed by or for such handler; (b) a report of each shipment outside the production area, except the delivery of grapes to a refrigerated storage warehouse for storage purposes within the State of California, which report shall include all grapes shipped from such storage and shall contain with respect to each such shipment the date and time of shipment, the name and address of the shipper, the car or truck license number, the number of standard packages of grapes or the billing weight thereof, the grade of such grapes, the name of the grower for whom such grapes are shipped, the place where the shipment originated, the destination and any diversion of the shipment made through any and all agencies; (c) a report of each delivery of grapes to a refrigerated storage warehouse, for storage purposes, within the State of California showing the name and address of the shipper, the location of the storage warehouse, and the number of standard packages of grapes or the billing weight thereof; (d) a report of each shipment made within the area of production showing the name and address of the shipper, the name and address of the consignee or purchaser, and the number of standard packages of grapes or the billing weight of the shipment; (e) a report by vineyards of all grapes packed from vineyards for which adjusted allotment was issued under the provisions of § 951.65; and (f) such other reports as the Industry Committee may require. Such information may be compiled by the confidential employees and made available in summary form to all handlers and other interested persons who request a copy thereof: *Provided,* That such compilation or summary shall not reveal the identity of the individual furnishing the information. Such confidential employees shall not disclose, to any person other than the Secretary, any information that may be obtained pursuant to this section, except in the aforesaid manner.

Order Directing That a Referendum Be Conducted; Designation of Referendum Agents to Conduct Such Referendum, and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1952, and ending March 31, 1953, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in San Joaquin and Sacramento Counties in California, in the production of Tokay grapes for market, to ascertain whether such producers favor the issuance of an order amending Order No. 51, as amended, effective August 20, 1940, regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California; and said amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Oscar H. Chapin and Harry J. Krade of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

Copies of the aforesaid annexed order, of Order No. 51, as amended, of the aforesaid procedure (15 F. R. 5176) and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room

1353, South Building, Washington, D. C., and at the Western Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 302, 701 K Street, Sacramento, California.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at the said field office, or from any appointee hereunder.

[F. R. Doc. 53-6577; Filed, July 24, 1953; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Economic Reg. Draft Release 62]

TARIFFS OF AIR CARRIERS

LIABILITY RULES FOR PERSONAL INJURY AND DEATH; CLARIFICATION TO INDICATE FILING OF SUCH RULES NOT REQUIRED

JULY 22, 1953.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 221 of the Economic Regulations, as hereinafter set forth.

The proposed amendment is set forth in the proposed rule below.

Interested persons may participate in the proposed rule-making through the submission of written data, views or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All pertinent material in communications received on or before August 17, 1953 will be considered by the Board before taking final action on the proposed rule. Copies of comments received will be available for inspection on and after August 20, 1953 in the Docket Section of the Board.

The proposal herein contained may be altered or modified as a result of comment received.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 403, 52 Stat. 992; 49 U. S. C. 483)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

Explanatory statement. Section 403 (a) of the Civil Aeronautics Act of 1938 requires each air carrier and foreign air carrier to file tariffs with the Board showing all rates, fares and charges for air transportation between points served by such carrier. In addition, this section requires that tariffs be filed "showing to the extent required by regulations of the Board, all classifications, rules, regulations, practices, and services in connection with such air transportation" Paragraph (b) of section 403 requires the adherence by the carriers to the tariffs which they have filed with the Board pursuant to paragraph (a)

Since the enactment of the Civil Aeronautics Act of 1938, it has been the practice of one or more air carriers to file tariff rules with the Board which relate to the carrier's liability arising from personal injury or death caused to a passenger by the filing carrier. These rules have taken several different forms, including a requirement for notification in writing to the carrier, or some official thereof, within a specified time after the occurrence of the event giving rise to the claim; a requirement that suit must be brought on the claim within a stated period of time, and disclaimers of liability in the case of passengers whose status, age, or mental or physical condition might involve unusual hazard to the passenger.

The Board has heretofore had occasion to consider the question of the reasonableness of a tariff rule of this type, which required notification to be made in writing to the general offices of the carrier within thirty (30) days after the alleged occurrence of the event giving rise to the claim, and we there held that the tariff rule in question was and always had been unjust, unreasonable and unjustly discriminatory and hence unlawful. Continental Charters, Inc.—Complaint of Mary Battista, et al, Docket 5573. The carrier was directed to cease and desist from applying or enforcing such rule.

In addition, there is now pending before the Board an investigation of certain of these tariff liability rules (Docket 6149) dealing specifically with the notification rules, the rules limiting time to sue, and the rule exculpating the carrier from liability in special circumstances relating to passenger status or condition.

Apart from the foregoing, the Board has taken no action either approving or disapproving any of the rules of the nature above described, nor has it determined whether its current regulations presently require the filing of such rules as tariff matter.

The Board in issuing this notice of proposed rule-making does not express an opinion on any of the above issues now pending before it. Nor is it the purpose of this notice of proposed rule-making to construe the existing regulations of the Board or to indicate whether current regulations expressly or by necessary implication require the filing of such tariff matter. However, the Board is convinced that irrespective of the merits of tariff rules of this nature in the past, aviation in general and air transportation in particular have become sufficiently of age so as to make it inappropriate from this time forward to require the inclusion in carrier tariffs of rules of this kind with the legal consequences flowing therefrom. Indicative of the fact that this attitude is shared by a high percentage of the industry is the elimination of such rules by a large number of air carriers in the recent past.

In amplification of the foregoing, the Board is mindful of the fact that rules governing liability for personal injury are normally prescribed either by the statutory or common law of the state having jurisdiction of the claim, or by convention or treaty to which the United States is a party. Thus the time period within which suits must be instituted is covered by various statutes of limitation; the amounts recoverable for death in some states are limited by a specific statute; the principles of proximate cause as well as the class of persons to whom a carrier may become liable are covered by generally established principles of law, grounded in specific and ascertainable tort rules and the public policy of the states, enunciated through their legislatures or courts.

Personal injury rules are not generally permitted to be filed in tariffs by other regulatory bodies. Because of this, the rules may operate as a trap. Lawyers and laymen rely upon statutes and cases where the law can be easily ascertained. There is abundant evidence that in the past responsible lawyers and laymen have been unaware of these special tariff provisions and have been hurt.

Airlines have better means of knowing about personal injuries to their passengers than many other industries dealing with the public. Stewardesses or other personnel are regularly in attendance in the cabin with full opportunity to observe the passengers and are required to note any untoward incident resulting in injury to a passenger. These records are kept at least six months, and if they show an injury, the carrier is on notice that the records should be kept until the matter is cleared up. On the railroads, on the other hand, in many instances one conductor serves three or more cars and no passenger list for coach passengers is kept. Yet railroads do not have personal injury rules in their tariffs. Department stores may be subjected to claims by persons alleging they have been injured on their premises. Although they have no record of all patrons who may have been in their stores, they are governed by ordinary rules of law.

The rules lend themselves to discriminatory practices in that they enable the carrier to settle with some claimants, while denying liability to others similarly situated. The rules have also been used as a basis for bargaining, the carrier waiving the bar if the victim would accept a settlement price deemed appropriate.

There is a strong public policy against agreements exculpating persons for responsibility for their own negligence.

As a result of the foregoing considerations, the Board proposes that its regulations be amended so as to indicate clearly that on and after the effective date of the regulation tariff rules of the type herein discussed are not required to be filed. The Board's intent in proposing the adoption of such a regulation is to relieve air carriers and foreign air carriers of the obligation of filing any such tariff matter with it. Since carriers are required to comply only with those tariff rules which they are required to file under section 403 (a) the effect of the regulation would be to permit applicable state law to govern. It also follows that after the effective date of this regulation, rules of this nature would be subject to rejection as not consistent with the Civil Aeronautics Act and the Board's regulations thereunder. Obviously the proposed regulation would not affect in any way the passenger liability rules laid down in the Warsaw Convention.

It is proposed to amend § 221.4 (g) by adding at the end thereof the following sentence: "No provision of the

Board's regulations issued under this part or elsewhere shall be construed to require on and after September 1, 1953, the filing of any tariff rule stating any limitation on, or condition relating to the carrier's liability for personal injury or death except as provided by treaty or convention to which the United States is a party No subsequent regulation issued by the Board shall be construed to supersede or modify this rule of construction except to the extent that such regulation shall do so in express terms"

[F R Doc 53-6575; Filed July 24, 1953; 8:51 a m]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78, 197]

[Notice 11; Docket 3666; Docket Ex Parte MC-3; Docket Ex Parte MC-13]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

In Federal Register Document 53-6447, published at page 4327 of the issue for Thursday, July 23 1953, the appendix itemizing the reasons for the proposed amendments was inadvertently omitted Such appendix reads as follows:

APPENDIX

Section and paragraph	*Reason for amendment*
71 13, (a)	To permit emergency shipments of explosives by rail express as well as freight and motor vehicle
72 5, Commodity List	To keep the commodity list on a current basis
73 33 (g) and (k) (11)	To provide for the use of new specification MC-311 cargo tank
73 34 (f) (1)	To include ICC-41 as an exempted cylinder in the requirements for the attachment of safety devices
73 62 (a)	To provide specification 15M, wooden box as a container for the transportation of high explosives, liquid
73 63 (d) (1) and (d) (2)	To eliminate the need for Bureau of Explosives approval for the use of specification 23G fiberboard box; to correct an omission
73 65, (d)	To provide requirements for additional commodities shipped as drugs medicines or chemicals
73 79	To provide specification containers for the transportation of jet thrust units (jato), class A
73.91, (a) (3) and (a) (5)	To stipulate restrictions and to provide packing requirements for ship distress signals.
73.91, (f) (1)	To provide specification 19B wooden box for the transportation of railway torpedoes
73 91 (l)	To provide specific marking for shipments of railway torpedoes
73 92	To provide specification containers for the transportation of jet thrust units (jato), class B
73 103, (b) (1)	To provide specification 19B wooden box for the transportation of railway fusees, flares or highway signals
73 103, (d)	To provide specific marking for shipments of railway fusees and highway fusees
73 118 (c) (23)	To include methylchloromethyl ether, anhydrous as a commodity not exempt from the regulations
73 119, (a) (7)	To delete unnecessary wording inasmuch as specification 12B automatically limits the gross weight of shipment
73 119, (a) (8)	To provide specification 19B, wooden box for the transportation of flammable liquids
73 119 (b) (4)	Same as § 73 119 (a) (7)
73 119, (k) (1)	To clarify shipping requirements for viscous flammable liquids
73 132, (a)	To provide packaging requirements for container cement
73 132 (a) (1)	To clarify the packaging requirements for flammable liquid cement
73 143	To provide packaging requirements for methylchloromethyl ether, anhydrous
73 144	To provide specification 17C drum for the transportation of ink
73 182	To clarify shipping requirements for specific nitrates
73 183	To clarify shipping requirements for fused nitrates
73 190 (b) (4)	To provide MC 311, cargo tank for the transportation of phosphorus, white or yellow
73 247 (a) (9)	To provide MC 311 cargo tank for the transportation of corrosive liquids
73 248 (a) (6)	Same as § 73 247 (a) (9)
73 249 (a) (6)	Same as § 73 247 (a) (9)
73 254 (a) (5)	Same as § 73 247 (a) (9)
73 256 (a) (3)	To provide specification 22B, plywood drum for the transportation of liquid cleaning compounds
73 257 (a) (4)	Same as § 73 247 (a) (9)
73 263 (a) (10)	Same as § 73 247 (a) (9)
73 264 (a) (14) and (b) (3)	Same as § 73 247 (a) (9)
73 265 (b) (4)	Same as § 73 247 (a) (9)
73 266 (c)	To provide exemptions from the regulations for hydrogen peroxide solution in water not exceeding 52 percent hydrogen peroxide by weight in portable tanks.
73 267 (a), (7)	Same as § 73 247 (a) (9)
73 268 (b) (3)	Same as § 73 247 (a) (9)
73 271 (a) (8)	Same as § 73 247 (a) (9)
73 272 (h) (2) and (l) (3)	Same as § 73 247 (a) (9)
73 273 (a) (4)	To correct an inconsistency in the regulations
73 289 (a) (4)	Same as § 73 247 (a) (9)
73.308 (a) Table	To provide ICC-4B480 cylinders for the transportation of anhydrous ammonia; to provide ICC-41 cylinders for the transportation of insecticide, liquefied gas; to delete reference to ICC-8 and ICC-8AL cylinders
73 314 (a) Table	To correct an omission; to correctly name nitrogen fertilizer solution
73.314 (g)	To provide for the transportation of dichlorodifluoromethane monofluorotrichloromethane mixture in excess of 60 000 pounds
73.315 (a) (1) Table	To provide for the transportation of monochlorodifluoromethane in portable and cargo tanks
73 333 (a) (2) Note 1	To provide for the transportation of phosgene in ICC-106A500 and 106A500X tanks on trucks or semi-trailers
73 361 (a)	To clarify the shipping requirements for aldrin mixtures liquid with more than 15 percent aldrin
73.361, (b)	To provide exemptions from the regulations for aldrin mixtures liquid containing not more than 15 percent aldrin and no other dangerous material.
73 364 (a) (1) and (a) (2)	To clarify the exemption requirements for poisonous solids, class B
73 369, (a) (5) and (a) (7)	To provide for the permanent use of specification 12D fiberboard box and to provide weight limitation for bottles.
73 377, (a)	To provide packaging requirements for methyl parathion mixtures
73 377, (e)	To provide packaging requirements for methyl parathion
74 538, (a), Chart	To prohibit the transportation of blasting caps and high explosives in the same car
74 549, (a) (5)	To clarify the application requirements for placards

Section and paragraph	Reason for amendment
77.817, (a) (1)	To provide for proper commodity description on shipping papers.
77.823	To make consistent with the requirements of § 197.1 and to provide for specific marking of tank motor vehicles.
77.835, (g)	To limit the quantity of high explosives (dynamite) that may be transported in the same motor vehicle with blasting caps.
77.841, (c), Note 1	To provide for the transportation of phosgene in ICC-106A500 or 106A500X tanks on trucks or semi-trailers.
77.848, (a), Chart	To provide in limited quantity the transportation of blasting caps and high explosives in the same motor vehicle.
78.1-9, (b), Note 1	To provide reasonable test requirements for shippers who own a limited number of carboys.
78.1-9, (c)	Same as § 78.1-9 (b) Note 1.
78.3-9 (b), Note 1	Same as § 78.1-9 (b) Note 1.
78.3-9, (c)	Same as § 78.1-9 (b) Note 1.
78.4-8, (b), Note 1	Same as § 78.1-9 (b) Note 1.
78.4-8, (c)	Same as § 78.1-9 (b) Note 1.
78.6-10, (b), Note 1	Same as § 78.1-9 (b) Note 1.
78.6-10, (c)	Same as § 78.1-9 (b) Note 1.
78.7-8, (b), Note 1	Same as § 78.1-9 (b) Note 1.
78.7-8, (c)	Same as § 78.1-9 (b) Note 1.
78.11-2, (a)	To raise the capacity of carboys.
78.83-7, (a), Table	To provide reduction in size of stainless steel hoops on specification 5C drums.
78.115-12, (a) (2)	To provide reduced test pressure for full removable head drums.
78.172	To provide a new specification 15E, wooden box, fiberboard lined.
78.177	To provide a new specification 15M, wooden box, metal lined, for liquid explosives.
78.191	To provide a new specification 19B, wooden box, glued plywood, nailed.
78.205-17	To provide additional sealing method for specification 12B, fiberboard boxes.
78.205-29, (a)	To provide packing for ship distress signals.
78.206-17	To provide additional sealing method for specification 12C, fiberboard box.
78.207-17	To provide additional sealing method for specification 12D, fiberboard box.
78.214-4, (a)	To provide alternate method of construction for specication 23F, fiberboard box.
78.214-6, (b)	To provide alternate method of closure for specification 23F, fiberboard box.
78.214-8, (a)	To clarify specification 23F requirements.
78.214-15, (b)	To provide for alternate method of construction.
78.214-16, (c)	To provide for alternate method of closure.
78.280, ICC-3 (a)	To provide for the increasing of the carbon content of steel for tank cars.
78.280, AAR-3 (a)	Same as § 78.280 ICC-3 (a).
78.282, ICC-3 (a)	Same as § 78.280 ICC-3 (a).
78.283, AAR-3 (a)	Clarification.
78.283, AAR-6 (p)	Clarification.
78.291, AAR-2 (a)	To provide for the use of GR20A aluminum alloy as plate material for tank cars.
78.291, AAR-6 (f-3)	Same as § 78.291 AAR-2 (a).
78.323, Heading	To permit the use of a new aluminum alloy in the construction of cargo tanks.
78.323-11, (a)	Same as § 78.323 heading.
78.330	To discontinue construction of cargo tanks under an obsolete specification.
78.331	To provide for new specification cargo tank for corrosive liquids.
197.2	Cancels requirements now incorporated in Part 193 of the Motor Carrier Safety Regulations.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

DISTRIBUTIONS OF SECURITIES ON A NATIONAL SECURITES EXCHANGE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration two related proposals to make it possible to effect certain distributions of securities on a national securities exchange. One proposal involves the amendment of paragraph (d) of the Commission's § 240.10b-2 (Rule X-10B-2) The other proposal involves a plan of the New York Stock Exhange for distributing securities on that Exchange.

In 1937 the Commission adopted Rule X-10B-2 under the Securities Exchange Act of 1934 to implement the anti-manipulative provisions of the act. In substance, this rule prohibited any person engaged in distributing a security from paying any other person for soliciting or inducing a third person to buy the security on an exchange, although it provided that it should not apply to any salary paid by a broker or dealer to any regular employee whose ordinary duties included the solicitation or execution of brokerage orders on an exchange if such salary represented only ordinary compensation for the discharge of such duties in the regular course of his employment. After it was found that the rule was unduly restrictive, the Commission adopted paragraph (d) of the rule, the substance of which, in its present form, is that the prohibitions of the rule shall not apply to a transaction involving the payment of a special commission to a person acting as a broker for a purchaser where the payment is made pursuant to the terms of a plan filed by a national securities exchange and declared effective by the Commission. Under this paragraph the exemption is available only to securities listed and registered on the exchange or to certain securities admitted to unlisted trading privileges on the exchange.

The New York Stock Exchange has now filed and requested that the Commission declare effective an Exchange Distribution Plan which would permit members, member firms, and member corporations (hereinafter referred to as participating members) to make a distribution of a block of securities at the market on the Exchange when the regular market on the Exchange cannot otherwise absorb the block of securities within a reasonable time and at a reasonable price or prices. The plan contains certain anti-manipulative controls and also requires participating members to inform persons whose orders are solicited that the securities being offered are part of a distribution of a specified number of shares or bonds, and that the participating member (1) is acting for the seller, will charge the buying customer a commission, and will receive a special commission from the seller or his broker or (2) is acting as a principal and will not charge the buying customer a commission. Under the plan, a participating member may pay his or its registered representative a special commission for soliciting orders to purchase the security.

Since the plan contemplates that a participating member may act as a principal and the provisions of paragraph (d) of Rule X-10B-2 provide an exemption only for transactions "involving the payment of a special commission to a person acting as a broker for a purchaser" in order to be able to provide an exemption for all transactions under such a plan it is appropriate to consider amending paragraph (d) (1) of the rule so that the prohibitions of the rule shall not apply to any transaction involving the payment of any compensation to a member, or the payment of a commission to a registered representative, in accordance with the terms of an effective plan authorizing such payment.

The Commission is considering amending paragraph (d) (1) of Rule X-10B-2 to make it possible to declare effective thereunder a plan such as that filed by the New York Stock Exchange and thereafter to declare effective the Exchange Distribution Plan of the New York Stock Exchange for an experimen-

tal period of six months, on the condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors to suspend or terminate the effectiveness of the plan the Commission may do so by sending at least 10 days written notice to the Exchange. This condition would be imposed pursuant to the provisions of paragraph (d) (2) of Rule X-10B-2. In amending paragraph (d) (1) of Rule X-10B-2 the Commission would also remove the restriction as to the securities which could be made the subject of a distribution under an effective plan, so that a block of any security duly admitted to trading on a particular exchange could be distributed under a plan declared effective by the Commission.

Paragraph (d) (1) of the Commission's Rule X-10B-2, as amended, would read substantially as follows:

§ 240.10b-2 *Solicitation of purchases on an exchange to facilitate a distribution of securities.* * * *

(d) (1) The provisions of this section shall not apply to any transaction involving the payment of compensation pursuant to the terms of an effective plan authorizing the payment of such compensation in connection with a distribution of securities, which plan has been filed with the Commission by a national securities exchange: *Provided,* That the person paying such compensation does not know or have reasonable grounds to believe, at the time he pays or offers or agrees to pay such compensation, that transactions connected with such distribution are being carried out in violation of such plan.

The text of the proposed Exchange Distribution Plan of the New York Stock Exchange, which has been adopted as Rule 498 of the Exchange, is as follows:

EXCHANGE DISTRIBUTIONS

RULE 498. To effect an "Exchange Distribution" of a block of a listed security, a member, member firm or member corporation, for his or its own account or the account of a customer, may

(A) Make an arrangement with one or more other members, member firms or member corporations under which

(1) The members, member firms or member corporations, with whom the arrangement is made, solicit others to purchase such security, and charge the purchasers commissions in accordance with Article XV of the Constitution; and

(2) The selling member, member firm or member corporation pays to the members, member firms or member corporations, with whom the arrangement is made, a special commission which is mutually agreeable but not lower than the applicable commission prescribed in Article XV of the Constitution; and

(3) The members, member firms or member corporations, with whom the arrangement is made, may pay a special commission to their registered representatives; and/or

(B) Pay a special commission to his or its registered representatives for soliciting others to purchase such security.

An "Exchange Distribution" may be made only with the prior approval of the Exchange (given after consulting and with the concurrence of a Governor who is active on the Floor of the Exchange.) Such a Distribution shall not be approved unless the Exchange shall have determined that the regular market on the Floor of the Exchange cannot, within a reasonable time and at a reasonable price or prices, otherwise absorb the block of securities which is to be the subject of the "Exchange Distribution." In making such determination, the following factors may be taken into consideration, viz.,

(a) Price range and the volume of transactions in such security on the Floor of the Exchange during the preceding month;

(b) Attempts which have been made to dispose of the security on the Floor of the Exchange;

(c) The existing condition of the specialist's book and Floor quotations with respect to such security;

(d) The apparent past and current interest in such security on the Floor; and

(e) The number of shares or bonds and the current market value of the block of such security proposed to be covered by such "Exchange Distribution."

No "Exchange Distribution" shall be made unless each of the following conditions is complied with:

(1) The person for whose account the Distribution is to be made shall, at the time of the Distribution, be the owner of the entire block of the security to be so distributed.

(2) The person for whose account the Distribution is to be made shall include within the Distribution all of the security which he then intends to offer within a reasonable time, and there shall be furnished to the Exchange, before the Distribution is made, a written statement by the offeror to that effect or a written statement by his broker stating that the broker has been so advised by the offeror.

(3) The person for whose account the Distribution is made shall agree that, during the period the Distribution is being made, he will not bid for or purchase any of the security for any account in which he has a direct or indirect interest.

(4) The members, member firms and member corporations who are parties to the arrangement for the Distribution shall not, during the period the Distribution is being made, bid for or purchase any of the security for an account in which they have a direct or indirect interest.

(5) No member may have a direct or indirect interest in a block of securities being so distributed if he is registered as a specialist in such security.

(6) Each member, member firm or member corporation soliciting purchase orders for execution in the Distribution shall advise the person so solicited, before effecting any transaction for such person pursuant thereto, that the securities being offered are part of a specified number of shares or bonds being offered in an "Exchange Distribution," and that he or it

(a) Is acting for the seller, will charge the buying customer a commission, and will receive a special commission from the seller or his broker; or

(b) Is acting as a principal in the sale of the block of securities, and will not charge the buying customer a commission.

(7) No "short" sale may be made in connection with the Distribution, except that securities may be borrowed to make delivery where the person owns the securities sold and intends to deliver such securities as soon as is possible without undue inconvenience or expense.

In effecting an "Exchange Distribution," the orders for the purchase of the securities being distributed must be sent to the Floor together with an order to sell an equal amount to be "crossed" in accordance with the rules applicable to the crossing of orders on the Floor.

The member, member firm or member corporation selling securities in an "Exchange Distribution" shall report to the Exchange all transactions in such securities effected by him or it for any account in which the seller had a direct or indirect interest, commencing with the time arrangements for the Distribution were made and ending with the time the Distribution was completed.

The action to amend paragraph (d) of Rule X-10B-2 would be taken under the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof. The Exchange Distribution Plan of the New York Stock Exchange would be declared effective under Rule X-10B-2 as amended.

All interested persons are invited to submit data, views and comments on the above proposals in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before August 10, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 16, 1953.

[F. R. Doc. 53-6360; Filed, July 24, 1953; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 5949]

RESORT AIRLINES; MIAMI, STOPOVER INVESTIGATION

NOTICE OF HEARING

In the matter of the investigation to determine the scope of the authority granted Resort Airlines in its certificate of public convenience and necessity to engage in overseas and foreign transportation, to conduct all expense air tours involving 7-day stopovers at Miami, Fla., pursuant to section 1 (21), 401, 403, and 1002 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 1 (21), 205 (a), 401, 403, 1001, and 1002 of that act, that a hearing in the above-entitled proceeding is assigned to be held on August 3, 1953, at 10:00 a. m., e. d. s. t., in Room A, Departmental Auditorium, Twelfth and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfieffer.

Without limiting the scope of the issues involved in this proceeding particular attention will be directed to the following matters:

1. Does Resort Airlines, Inc., possess legal authority to grant stopovers at Miami, Fla., under its certificate of public convenience and necessity to en-

gage in overseas and foreign air transportation and, if so, under what circumstances and for what duration, if any, can such stopovers be granted consistent with such legal authority?

2. Is Resort Airlines' tariff C. A. B. No. 15 insofar as it provides for 7-day stopovers at Miami, Fla., unlawful in that such a stopover represents a break in the total journey so as to involve interstate air transportation as defined in section 1 (21) of the act, which transportation lies beyond the scope of Resort's certificate authorization?

Notice is further given that any person not a party of record desiring to be heard in support or in opposition to questions involved in this proceeding must file with the Board on or before August 3, 1953, a statement setting forth the matters of fact or law which he desires to advance.

For further details concerning these proceedings and the issues involved herein, all interested parties are referred to the Examiner's Prehearing Conference Report served May 22, 1953, and all other documents in this Docket filed with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D. C. July 21, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 53-6564; Filed, July 24, 1953; 8:48 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

COMMANDER, ICELAND DEFENSE FORCE

DELEGATION OF AUTHORITY TO CONVENE GENERAL COURTS-MARTIAL AND TO REFER FOR TRIAL BY COURTS-MARTIAL CASES OF MEMBERS OF ANY OF THE ARMED FORCES ASSIGNED OR ATTACHED TO OR ON DUTY WITH SUCH COMMAND

By virtue of the authority delegated to me by the President in Executive Order 10428 of January 17, 1953, and pursuant to the Uniform Code of Military Justice, Article 22 (a) (7) I empower the Commander, Iceland Defense Force, to convene general courts-martial, and, further, pursuant to the Uniform Code of Military Justice, Article 17 (a) and the Manual for Courts-Martial, United States, 1951, paragraph 13, I empower such officer to refer for trial by courts-martial the cases of members of any of the armed forces assigned or attached to or on duty with such command. In accordance with the Manual for Courts-Martial, United States, 1951, paragraph 5a (2) and appendix 4, this Directive will be cited in orders appointing courts-martial under this authority.

C. E. WILSON,
Secretary of Defense.

JULY 20, 1953.

[F. R. Doc. 53-6551; Filed, July 24, 1953; 8:45 a. m.]

COMMANDING OFFICER, UNITED STATES NORTHEAST COMMAND

DELEGATION OF AUTHORITY TO CONVENE GENERAL COURTS-MARTIAL AND TO REFER FOR TRIAL BY COURTS-MARTIAL CASES OF MEMBERS OF ANY OF THE ARMED FORCES ASSIGNED OR ATTACHED TO OR ON DUTY WITH SUCH COMMAND

By virtue of the authority delegated to me by the President in Executive Order 10428 of January 17, 1953, and pursuant to the Uniform Code of Military Justice, Article 22 (a) (7) I empower the Commanding Officer, United States Northeast Command, to convene general courts-martial, and, further, pursuant to the Uniform Code of Military Justice, Article 17 (a), and the Manual for Courts-Martial, United States, 1951, paragraph 13, I empower such officer to refer for trial by courts-martial the cases of members of any of the armed forces assigned or attached to or on duty with such command. In accordance with the Manual for Courts-Martial, United States, 1951, paragraph 5a (2) and appendix 4, this Directive will be cited in orders appointing courts-martial under this authority.

C. E. WILSON,
Secretary of Defense.

JULY 20, 1953.

[F. R. Doc. 53-6552; Filed, July 24, 1953; 8:45 a. m.]

COMMANDING OFFICER, FIELD COMMAND, ARMED FORCES SPECIAL WEAPONS PROJECT

DELEGATION OF AUTHORITY TO CONVENE GENERAL COURTS-MARTIAL AND TO REFER FOR TRIAL BY COURTS-MARTIAL CASES OF MEMBERS OF ANY OF THE ARMED FORCES ASSIGNED OR ATTACHED TO OR ON DUTY WITH SUCH COMMAND

By virtue of the authority delegated to me by the President in Executive Order 10428 of January 17, 1953, and pursuant to the Uniform Code of Military Justice, Article 22 (a) (7) I empower the Commanding Officer, Field Command, Armed Forces Special Weapons Project, to convene general courts-martial, and, further, pursuant to the Uniform Code of Military Justice, Article 17 (a) and the Manual for Courts-Martial, United States, 1951, paragraph 13, I empower such officer to refer for trial by courts-martial the cases of members of any of the armed forces assigned or attached to or on duty with such command. In accordance with the Manual for Courts-Martial, United States, 1951, paragraph 5a (2) and appendix 4, this Directive will be cited in orders appointing courts-martial under this authority.

C. E. WILSON,
Secretary of Defense.

JULY 20, 1953.

[F. R. Doc. 53-6553; Filed, July 24, 1953; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

DIRECTOR, ISOTOPES DIVISION

STATEMENT OF AUTHORITY

Pursuant to section 3 of the Administrative Procedure Act, the following statement of authority is published:

1. The Director, Isotopes Division, Oak Ridge Operations Office, U. S. Atomic Energy Commission, is authorized to issue orders:

a. Approving or denying applications for authorizations to possess and use radioisotopes, applications for renewals of such authorizations, and requests for modification of such authorizations;

b. Annulling, suspending or revoking, in whole or in part, authorizations to possess and use radioisotopes;

c. Withholding or recalling radioisotopes; and

d. Establishing for individual cases such standards and instructions governing the possession and use of radioisotopes as he may determine to be necessary or desirable to protect health or to minimize danger from hazards to life or property.

2. Any such order by the Director may be appealed to the General Manager, U. S. Atomic Energy Commission, Washington 25, D. C., in accordance with the procedures specified in Title 10, Chapter I, Part 30, § 30.90,[1] Code of Federal Regulations, entitled "Radioisotope Distribution."

Dated at Washington, D. C., this 20th day of July 1953.

WALTER J. WILLIAMS,
Deputy General Manager

[F. R. Doc. 53-6555; Filed, July 24, 1953; 8:46 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation 8, Revision 1]

ADMINISTRATOR OF GENERAL SERVICES

DELEGATION OF AUTHORITY TO PURCHASE AND MAKE COMMITMENTS TO PURCHASE AND TO SELL MICA

1. There is hereby delegated to the Administrator of General Services the authority vested in me pursuant to section 303 of the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., and Pub. Laws 69, 96 and 429, 82d Cong.) and Executive Order 10161 of September 9, 1950 (15 F. R. 6105) as amended and supplemented, with respect to:

(a) Purchases and commitments to purchase hand-cobbed muscovite ruby and nonruby crude mica and processed muscovite ruby and nonruby block and film mica, all of domestic origin for Government use or resale as authorized by the Defense Production Administration on February 5, 1952, and as thereafter modified.

(b) Sale of the mica purchased pursuant to (a) above, and

[1] See Title 10, Chapter I, Part 30, *supra*.

(c) Administration of all functions relating to (a) and (b) above.

2. The authority herein delegated shall be carried out in accordance with any applicable laws, regulations and executive orders.

3. The authority herein delegated shall be exercised in accordance with the provisions of section 303 of the Defense Production Act of 1950, as amended, and in accordance with such policies as may be established by the Defense Materials Procurement Administrator.

4. The functions herein delegated may be redelegated with or without authority for further redelegation and redelegations in effect on the date hereof shall continue in effect until rescinded or modified by appropriate authority.

This delegation is effective immediately. Delegation No. 8, dated March 12, 1952 (17 F. R. 2291) is hereby superseded.

Dated: July 21, 1953.

TOM LYON,
Acting Deputy Administrator.

[F. R. Doc. 53-6602; Filed, July 24, 1953; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10555, 10556, 10557, 10558]

CORPUS CHRISTI TELEVISION CO. ET AL.

ORDER CONTINUING HEARING

In re applications of R. L. Wheelock, W L. Pickens, and H. H. Coffield, d/b as Corpus Christi Television Company, Corpus Christi, Texas, Docket No. 10555, File No. BPCT-416; Superior Television, Inc., Corpus Christi, Texas, Docket No. 10556, File No. BPCT-1031, Keys-TV, Inc., Corpus Christi, Texas, Docket No. 10557, File No. BPCT-1045; K-Six Television, Inc., Corpus Christi, Texas, Docket No. 10558, File No. BPCT-1434, for construction permits for new television broadcast stations.

The hearing in the above-entitled proceeding is now scheduled to commence on July 24, 1953, with a formal hearing conference. With the consent of all parties it is ordered that the hearing date is continued to July 31, 1953. The session on that date will consist solely of a hearing conference at which no testimony will be taken.

Dated: July 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6578; Filed, July 24, 1953; 8:56 a. m.]

[Docket Nos. 10559, 10560]

GULF COAST BROADCASTING CO. AND BAPTIST GENERAL CONVENTION OF TEXAS

ORDER CONTINUING HEARING

In re applications of Gulf Coast Broadcasting Company, Corpus Christi, Texas, Docket No. 10559, File No. BPCT-723; Baptist General Convention of Texas, Corpus Christi, Texas, Docket No. 10560, File No. BPCT-906; for construction permits for new television broadcast stations.

The hearing in the above-entitled proceeding is now scheduled to commence on July 24, 1953, with a formal hearing conference. With the consent of all parties it is ordered that the hearing date is continued to August 3, 1953. The session on that date will consist solely of a hearing conference at which no testimony will be taken.

Dated: July 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6579; Filed, July 24, 1953; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6503]

LOUISIANA POWER & LIGHT CO.

NOTICE OF APPLICATION

JULY 21, 1953.

Take notice that on July 20, 1953, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Louisiana Power & Light Company, a corporation organized under the laws of the State of Florida and doing business in the State of Louisiana, with its principal business office at New Orleans, Louisiana, seeking an order authorizing the acquisition by purchase for a consideration of $1,350,000, subject to closing adjustments, from the Gaylord Container Corporation of the electric distribution system in and adjacent to the City of Bogalusa, Louisiana, and the merger of its facilities subject to the jurisdiction of the Commission with those to be acquired from the Gaylord Container Corporation; all as more fully appears in the application on file with the Commission and open for public inspection.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 10th day of August 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6557; Filed, July 24, 1953; 8:47 a. m.]

[Docket No. E-6509]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

JULY 21, 1953.

Take notice that on July 20, 1953, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by El Paso Electric Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and New Mexico, with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of Unsecured Promissory Notes, payable to such bank or banks from which the Company may borrow funds, up to but not exceeding $5,000,000, face amount, at any one time outstanding, for periods not exceeding 12 months from the date of original issue or renewal thereof, as the case may be, such notes issued either originally or upon renewal from time to time to have maturity dates not later than December 31, 1954 and will bear interest not in excess of ¼ of 1 percent above the New York prime rate in effect at the time of the borrowing; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 10th day of August 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6558; Filed, July 24, 1953; 8:47 a. m.]

[Project No. 2126]

ROBERT PIERCE WILSON

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 21, 1953.

Public notice is hereby given that Robert Pierce Wilson of Taylorsville, California has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed Project No. 2126 (East Branch of North Fork of Feather River Hydroelectric Project) to be located on East Branch of North Fork Feather River and its tributaries Indian Creek and Spanish Creek, in the region of Crescent Mills, Paxton, Keddie, Virgilia, and Belden, Plumas County, California, affecting lands of the United States in Plumas National Forest. The proposed project would consist of four dams ranging in height from about 30 feet to 175 feet; four reservoirs; about 11.5 miles of tunnels in three sections; penstock or penstocks to each powerhouse; four powerhouses having a total installation of about 124,000 horsepower; and miscellaneous hydraulic, electrical, and mechanical facilities. Applicant proposes to use the power generated by the project in mining, smelting, refining, and manufacturing operations and to market power to persons, public agencies, firms and corporations supplying power in northern California. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 31st day of August 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-6556; Filed, July 24, 1953; 8:46 a. m.]

[Docket No. G-2169]

ASSOCIATED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On May 8, 1953, Associated Natural Gas Company (Applicant) a Delaware corporation having its principal place of business at Sikeston, Missouri, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

Applicant has been granted a certificate of public convenience and necessity by the Public Service Commission of Missouri authorizing the service proposed, and has obtained the necessary franchise for such operations from the City of Jackson, Missouri. Applicant has represented that the underlying franchise from the City of Jackson requires that Applicant obtain the authority herein requested prior to July 30, 1953.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 29, 1953 (18 F. R. 3098)

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on July 27, 1953, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application herein: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: July 21, 1953.

Issued: July 22, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-6571; Filed, July 24, 1953; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a, Application 45]

NIAGARA FRONTIER TARIFF BUREAU, INC.

APPLICATION FOR APPROVAL OF AGREEMENT

JULY 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed July 17, 1953, by W G. Clayton, Jr., Agent and Attorney-in-Fact, Niagara Frontier Tariff Bureau, Inc., Buffalo, N. Y.

Agreement involved: An agreement between and among common carriers by motor vehicle, relating to rates, charges, rules, classifications and exceptions thereto, for interstate or foreign transportation (1) between points in a described area comprising western New York, western Pennsylvania, and West Virginia (Wheeling and north thereof) and (2) between points in the provinces of Ontario and Quebec, Canada, and points in Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, and also points in Ontario and points in Connecticut, Delaware, District of Columbia, Maine, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, and Vermont, only insofar as those points are the origin or destination of a movement between a point in the United States, on the one hand, and a point in Canada, on the other.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-6562; Filed, July 24, 1953; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER FOR AND NOTICE OF HEARING AND INVESTIGATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of July A. D. 1953.

I. The Commission's public official files disclose that:

A. Adolf Gobel, Inc., a corporation organized under the laws of the State of New York, is the issuer of common stock $1 par value.

B. Since prior to January 1, 1950, and continuing to the date hereof, the common stock, $1 par value, of the said Adolf Gobel, Inc., has been registered for trading on the American Stock Exchange (formerly known as the New York Curb Exchange) a national securities exchange (hereinafter referred to as the Exchange), pursuant to section 12 of the Securities Exchange Act of 1934 and the rules and regulations promulgated by the Commission thereunder.

C. From time to time subsequent to January 1, 1950, Adolf Gobel, Inc. has filed with this Commission and with the Exchange certain annual reports, quarterly reports and current reports as required by section 13 of the Securities Exchange Act of 1934 and the rules and regulations thereunder; and that, more particularly,

(1) On or about March 6, 1952, the said Adolf Gobel, Inc. filed with this Commission an annual report for the 52-week period ended October 27, 1951, on Form 10-K in purported compliance with section 13 of the Securities Exchange Act of 1934 and Rule X-13A-1 promulgated by the Commission thereunder, which annual report was amended in certain respects by a further filing on Form 8 on or about July 25, 1952; and

(2) On or about April 20, 1953, Adolf Gobel, Inc., in purported partial compliance with the requirements of section 13 of the Securities Exchange Act of 1934 and Rule X-13A-1 thereunder, filed with this Commission a document entitled "Annual Report—Form 10-K for the 53 Weeks ended November 1, 1952."

(3) On or about July 8, 1953, Adolf Gobel, Inc., filed with this Commission an annual report for the 53-week period ended November 1, 1952, on Form 10-K in purported compliance with section 13 of the Securities Exchange Act of 1934 and Rule X-13A-1 and the Instructions to Form 10-K thereunder. The finan-

cial statements filed as a part of said annual report were not accompanied by an accountant's certificate meeting the requirements of Rule 2–02 of Regulation S–X, as revised, and as required by the Instructions to Form 10–K.

D. Since on or about October 1950, Anthony DeAngelis has been president, treasurer and director of Adolf Gobel, Inc., and during the said period has, directly or indirectly, owned or controlled more than 60 percent of its outstanding common stock.

E. Anthony DeAngelis has signed and subscribed on behalf of Adolf Gobel, Inc., all of the reports and documents filed by Adolf Gobel, Inc., as stated in subsections 1, 2 and 3 of subparagraph C above.

II. As a result of a private investigation the Commission has been informed by members of its staff that:

A. On February 25, 1953, at the request of Adolf Gobel, Inc., the time within which Adolf Gobel, Inc., was required to file its annual report on Form 10–K for the fiscal period ended November 1, 1952, pursuant to the Securities Exchange Act of 1934 and the rules and regulations thereunder, was extended by the Commission to and including March 10, 1953, and that on the latter date at the further request of Adolf Gobel, Inc., said time was further extended by the Commission to and including March 24, 1953.

B. Adolf Gobel, Inc., failed to file quarterly reports on Form 9–K for the fourth quarter of its fiscal year ended November 1, 1952, and for the second quarter of its 1953 fiscal year as required by section 13 of the Securities Exchange Act of 1934 and Rule X-13A–13 thereunder.

C. Adolf Gobel, Inc., failed to file a report on Form 8–K covering the disposition of certain of its assets during the month of June 1953 (as more particularly described below) as required by section 13 of the Securities Exchange Act of 1934 and Rule X-13A–11 thereunder.

D. From about December 1, 1950, to the date hereof, pursuant to an agreement with Gersony-Straus & Co., Anthony DeAngelis has received from said Gersony-Straus & Co. at least $147,500, representing a portion of certain commissions paid to Gersony-Straus & Co. by Adolf Gobel, Inc., in connection with the sale by or on behalf of Adolf Gobel, Inc., of certain meats and other products to various persons.

E. In or about August 1951, Anthony DeAngelis entered into an agreement with one Bernard Bowman under the terms of which Anthony DeAngelis agreed to assist Bernard Bowman and/or Bernard Bowman Corporation to obtain certain types of business on which DeAngelis was to receive a percentage of the invoice price. Up to and including February 1, 1953, Anthony DeAngelis received at least $60,000 from Bernard Bowman Corporation under said agreement in connection with transactions involving purchases of lard from Adolf Gobel, Inc., by Bernard Bowman Corporation.

F. In or about October 1952, Anthony DeAngelis purportedly acting for or on behalf of Adolph Gobel, Inc., caused Adolf Gobel, Inc., to enter into an agreement pursuant to which Adolf Gobel, Inc., made purported sales of more than 600,000 pounds of meat or meat products to approximately seven persons for an alleged consideration of more than $225,000 and at about the same time Adolf Gobel, Inc., agreed to repurchase the said meat or meat products from the said persons at advanced prices. Pursuant to such arrangement, the said meat and meat products were loaded into railroad freight cars consigned to the said persons and bills of lading were obtained therefore which, together with alleged invoices and other documents purportedly arising out of the said transaction, were used by Adolf Gobel, Inc., to obtain loans of approximately $180,000 from certain persons. Said meat and/or meat products was not in fact shipped to said consignees but, at the direction of the said Anthony DeAngelis was returned to the inventory and control of Adolf Goebel, Inc. Said purported sales were entered on the books and records of Adolf Gobel, Inc., as actual sales and no entry or record was made on the said books and records of the said repurchase agreements. Subsequently, said meat and meat products were repurchased by Adolf Gobel, Inc., at advanced prices.

G. During the year 1951, Adolf Gobel, Inc., was caused to enter into certain transactions with Monroe Packing Company and Grand Prize Packing Company, Inc., involving the purported purchase and sale of certain meat and/or meat products, as a result of which an indebtedness in excess of $126,000 due and owing from Monroe Packing Company to Adolf Gobel, Inc., was purportedly satisfied and paid and so reflected on the books and records of Adolf Gobel, Inc. Anthony DeAngelis was the owner of approximately one-third of the outstanding capital stock of Grand Prize Packing Company, Inc., and also had a substantial financial interest in Monroe Packing Company.

H. During the year 1952 Anthony DeAngelis, as a result of a claim made by Centroprom Import-Export Company, a Yugoslav corporation, that certain shipments of lard made by Gobel to Centroprom was adulterated caused Adolf Gobel, Inc., to agree to deliver and to deliver to Centroprom a substantial amount of lard in replacement without payment to Adolf Gobel, Inc., therefor, and Anthony DeAngelis agreed to pay and did pay in part the sum of approximately $100,000 to Ameran Trading Corporation, the United States representative of Centroprom. Such agreements and transactions were not entered on or reflected in the books and records of Adolf Gobel, Inc., but it is indicated that Anthony DeAngelis may make a claim against Adolf Gobel, Inc., for reimbursement of all or part of such expenditure.

I. During the 53-week fiscal period ended November 1, 1952, the United States Government asserted certain claims against Adolf Gobel, Inc., arising out of the delivery by Adolf Gobel, Inc., of certain allegedly substandard and short-weight merchandise in connection with the sale by Adolf Gobel, Inc., to the United States Government of approximately 18,000,000 pounds of pork products. Prior to the filing of the report of Adolf Gobel, Inc., on Form 10–K for said 53-week period, Adolf Gobel, Inc., agreed to pay to the United States approximately $100,000 in settlement of said claims.

J. During 1951 and 1952 Adolf Gobel, Inc., entered into a course of business under which certain meat products and other property of Adolf Gobel, Inc., were sold to various persons for cash and such transactions were not entered on or reflected in the books, records and accounts of Adolf Gobel, Inc.

K. During the month of June 1953, Adolf Gobel, Inc., entered into various contracts, leases and other agreements and arrangements under which substantially all of the properties of Adolf Gobel, Inc., were leased, transferred or otherwise disposed of to various persons and Adolf Gobel, Inc., proposes to cease or has ceased to be engaged in its usual business.

L. That from on or about January 1, 1951, to the date hereof Adolf Gobel, Inc., delivered to various persons allegedly adulterated and substandard products which did not meet the specifications and requirements of the contracts of sale entered into by Adolf Gobel, Inc., with such persons, and in consequence of which Adolf Gobel, Inc., has been or may be subjected to liabilities.

M. During the month of January 1953, Adolf Gobel, Inc., mailed to its security holders an annual report, including financial statements, which was inaccurate in material respects and omitted to reflect therein matters referred to in this section II which occurred during or relate to the period covered by said report. The Commission has been informed that on or about July 17, 1953, Adolf Gobel, Inc., mailed to its stockholders of record as of March 13, 1953, a letter dated July 17, 1953, accompanied by a document entitled "Audit Report—Adolf Gobel, Inc., and Subsidiaries as at April 3, 1953, and November 1, 1952."

III. The information reported to the Commission as set forth in sections I and II hereof, if true, tends to show that:

A. Adolf Gobel, Inc., has failed to comply with section 13 of the Securities Exchange Act of 1934 and the rules and regulations thereunder in that:

(1) Adolf Gobel, Inc., failed to file quarterly reports on Form 9–K for the last quarter of its fiscal year ended November 1, 1952, and the second quarter of the fiscal year 1953 as required by Rule X-13A–11.

(2) Adolf Gobel, Inc., failed to file its annual report on Form 10–K for the 53-week fiscal period ended November 1, 1952, within the time in which said annual report was required to be filed by Rule X-13A–1.

(3) Adolf Gobel, Inc., failed to file a current report on Form 8–K covering the disposition during the month of June 1953, of certain of its assets, as required by Rule X-13A–11.

(4) The annual report on Form 10–K for the 52-week fiscal period ended October 27, 1951, filed by Adolf Gobel, Inc.,

on March 6, 1951, as aforesaid, did not meet the requirements of Rule X-13A-1 and Form 10-K and the Instructions thereto, in that the responses to Items 8 and 10 on the said report were inaccurate and incomplete and omitted relevant and material information concerning the matters set forth in section II hereof which occurred during or relate to such fiscal period and the financial statements contained in said report are incomplete and inaccurate in certain particulars, in that they do not properly and completely reflect the matters set forth in section II hereof which occurred during or relate to said fiscal period.

(5) The purported partial annual report on Form 10-K for the 53-week fiscal period ended November 1, 1952, filed by Adolf Gobel, Inc., on April 20, 1953, as aforesaid, failed to meet the requirements of Rule X-13A-1 and Form 10-K and the Instructions thereto, in that it failed to include the required financial statements and the responses to Items 8 and 10 in the said report were incomplete and inaccurate and omitted relevant and material information concerning the matter set forth in section II hereof which occurred during or relate to such fiscal period.

(6) The annual report on Form 10-K for the 53-week fiscal period ended November 1, 1952, filed by Adolf Gobel, Inc., on July 8, 1953, as aforesaid, did not meet the requirements of Rule X-13A-1 and Form 10-K and the Instructions thereto, in that:

(i) Said report did not include an accountant's certificate meeting the requirements of Rule 2-02 of Regulation S-X, as revised.

(ii) The response to Items 8 and 10 in the said report were incomplete and inaccurate and omitted relevant and material information concerning the matter set forth in section II hereof, which occurred during or relate to such fiscal period.

(iii) The financial statements contained in said report are incomplete and inaccurate in certain particulars in that they do not properly and completely reflect the matters set forth in section II hereof, which occurred during or relate to said fiscal period.

B. The statements contained in the report on Form 10-K, referred to in paragraph 6 hereof, were, at the time and in the light of the circumstances under which they were made, false and misleading; more particularly that, at the date of said report, the assets, properties, business and prospects of Adolf Gobel, Inc. had so materially changed as to require disclosure of such changes and the results thereof in connection with the statements furnished in response to various of the items, including those relating to the financial statements, of Form 10-K.

C. Adolf Gobel, Inc., and Anthony DeAngelis violated section 32 (a) of the Securities Exchange Act of 1934 and Anthony DeAngelis violated section 20 (c) of the Securities Exchange Act of 1934.

IV. The Commission, having considered the information set forth in sections I and II herein, deems it necessary and appropriate in the public interest and for the protection of investors that a proceeding be instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934.

(1) To determine whether Adolf Gobel, Inc., Anthony DeAngelis and any other person has engaged in the acts and practices set forth in section II hereof, or any acts or practices of similar purport or object;

(2) To determine the matters set forth in section III hereof, and;

(3) To determine whether it is necessary or appropriate in the public interest or for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the common stock $1 par value of Adolf Gobel, Inc., on the American Stock Exchange; wherefore

It is ordered, That a public hearing for the purpose of taking evidence on the questions set forth in section IV hereof be held, pursuant to section 19 (a) (2) at 10 a. m., e. d. s. t., on August 10, 1953, at the Regional Office of the Securities and Exchange Commission, 42 Broadway, New York 4, New York; and

It is further ordered, That Mr. William W Swift is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in Rule V of the rules of practice of the Securities and Exchange Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to Adolf Gobel, Inc., Anthony DeAngelis, the American Stock Exchange, and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such other persons desiring to be heard in said proceedings should file with the Hearing Officer or the Secretary of the Commission on or before August 6, 1953, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

It is further ordered, Pursuant to sections 21 (a) and 21 (b) of the Securities Exchange Act of 1934 that a public investigation be had as to the facts and practices set forth above, the scope of said investigation to be limited unless otherwise ordered by the Commission to matters pertinent to the proceeding pursuant to section 19 (a) (2), the purpose of said investigation being to aid in the enforcement of said act, to aid in prescribing rules and regulations under said act, to secure information to serve as a basis for recommending further legislation concerning the matters to which the Securities Exchange Act of 1934 relates, and for such other purposes as are authorized by section 21 of said act, and notice is hereby given that the record made in connection with the proceeding under section 19 (a) (2) may be used for purpose of this investigation.

This order and notice shall be served on Adolf Gobel, Inc. and Anthony DeAngelis personally or by registered mail forthwith and shall be published in the FEDERAL REGISTER as required by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-6561; Filed, July 24, 1953; 8:47 a. m.]